

JOURNAL  
OF  
THE SENATE  
OF THE  
STATE OF ALABAMA  
SESSION OF 1919

HELD IN THE CITY OF MONTGOMERY  
COMMENCING  
TUESDAY, JANUARY 14, 1919

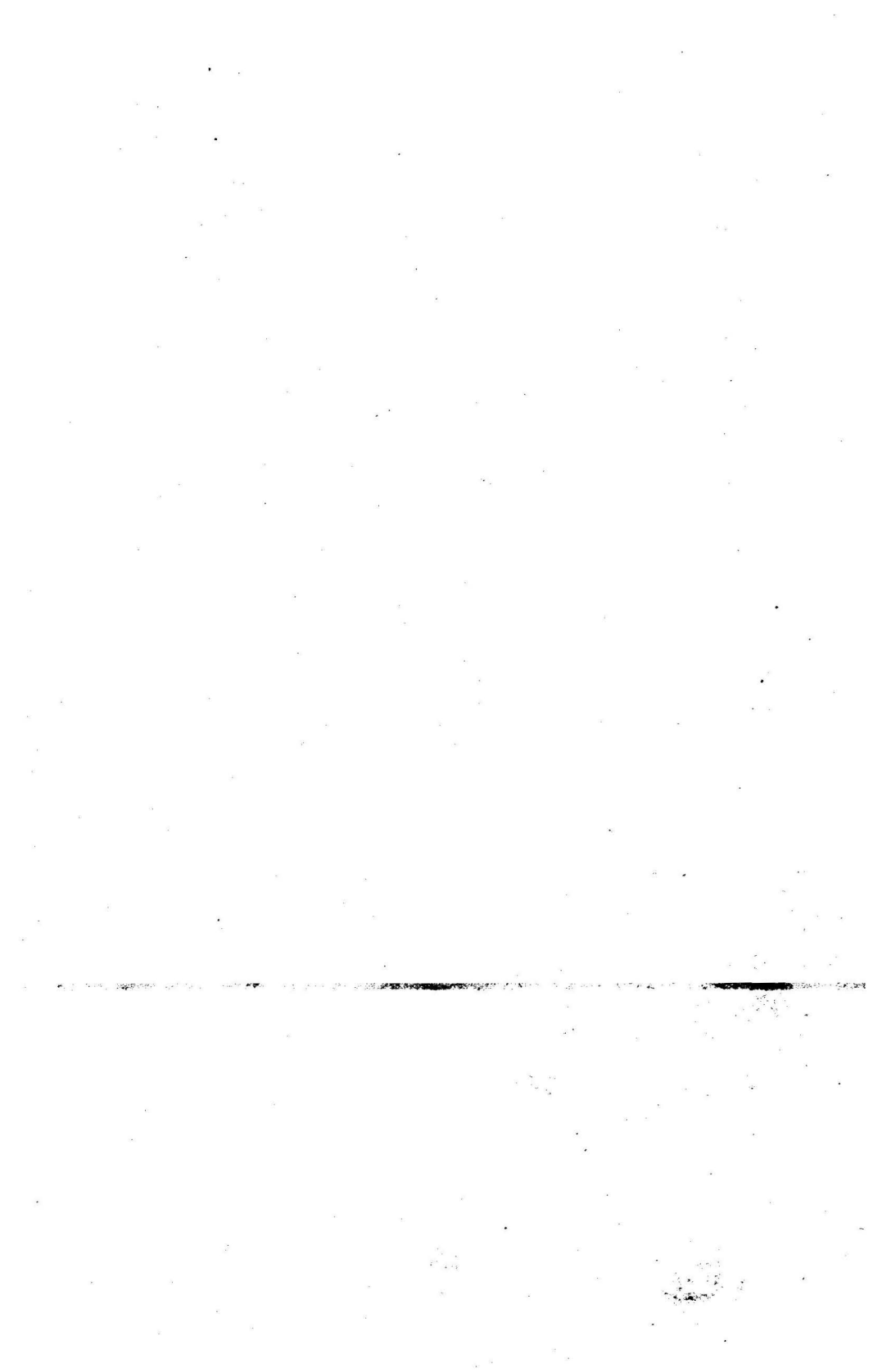


VOL. 1.

WITH AN INDEX PREPARED BY THE  
SECRETARY OF THE SENATE

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STATE OF ALABAMA

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FIRST DAY.

Tuesday, January 14th, 1919.

This being the second Tuesday in January, A. D. 1919, and the day fixed by law and the Constitution, for the quadrennial meeting of the Legislature of the State of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the city of Montgomery, at 12 o'clock M., and was called to order by Lieutenant Governor Thomas E. Kilby, President of the Senate. J. A. Kyle, Secretary, was present and acted as such according to law.

PRAYER.

By Rev. Dr. McCaslin, of the city.

ROLL CALL.

The roll of the Senate being called, the following senators-elect answered to their names:

1st District—B. A. Rogers, Florence, Alabama.

2nd District—Lawrence and Morgan Counties. W. H. Smith, Town Creek, Alabama.

3rd District—Blount, Cullman and Winston Counties. A. A. Griffith, Cullman, Alabama.

4th District—Madison County. W. E. Butler, New Hope, Alabama.

5th District—Jackson and Marshall Counties. John B. Tally, Scottsboro, Alabama.

6th District—Etowah and St. Clair Counties. Watt T. Brown, Ragland, Alabama.

7th District—Calhoun County. W. P. Acker, Anniston, Alabama.

8th District—Talladega County. Marion H. Sims, Talladega, Alabama.

9th District—Chambers and Randolph Counties. A. W. Biscoe, LaFayette, Alabama.

10th District—Elmore and Tallapoosa Counties. R. L. Huddleston, Speigner, Alabama.

11th District—Tuscaloosa County. John T. Beale, Northport, Alabama.

12th District—Fayette, Lamar and Walker Counties. M. L. Leith, Jasper, Alabama.

13th District—Jefferson County. C. R. West, Birmingham, Alabama.

14th District—Pickens and Sumter Counties. John A. Rogers, Gainesville, Alabama.

15th District—Autauga, Chilton and Shelby Counties. J. C. Harper, Columbiana, Alabama.

16th District—Lowndes County. Jos. Norwood, Fort Deposit, Alabama.

17th District—Butler, Conecuh and Covington Counties. J. Morgan Prestwood, Andalusia, Alabama.

18th District—Bibb and Perry Counties. J. Marvin Moore, Marion, Alabama.

19th District—Choctaw, Clarke and Washington Counties. T. J. Bedsole, Grove Hill, Alabama.

20th District—Marengo County. J. T. Carlton, Prentice, Alabama.

21st District—Baldwin, Escambia and Monroe Counties. Riley Kelly, Excel, Alabama.

22nd District—Wilcox County. John Miller, Camden, Alabama.

23rd District—Dale and Geneva Counties. W. W. Morris, Daleville, Alabama.

24th District—Barbour County. Chas. S. McDowell, Jr., Eufaula, Alabama.

25th District—Coffee, Crenshaw and Pike Counties. D. A. Baker, Troy, Alabama.

26th District—Bullock and Macon Counties. S. C. Cowan, Union Springs, Alabama.

27th District—Lee and Russell Counties. Berrien T. Phillips, Opelika, Alabama.

28th District—Montgomery County. W. A. Gunter, Jr., Montgomery, Alabama.

29th District—Cherokee and DeKalb Counties. J. A. Nance, Collinsville, Alabama.

30th District—Dallas County. Jas. B. Ellis, Selma, Alabama.

31st District—Colbert, Franklin and Marion Counties. A. H. Carmichael, Tuscumbia, Alabama.

32nd District—Greene and Hale Counties. R. B. Evins, Greensboro, Alabama.

33rd District—Mobile County. John Craft, Mobile, Alabama.

34th District—Clay, Cleburne and Coosa Counties. O. T. Smith, Goodwater, Alabama.

35th District—Henry and Houston Counties. J. B. Espy, Abbeville, Alabama.

I, John Purifoy, Secretary of State in, for and of the State of Alabama, do hereby certify that it appears from the returns of election made to this department in accordance with law that the following named persons were elected members of the Legislature of the State of Alabama, State senators, session of 1919, from the senatorial district as shown:

- |                         |                         |
|-------------------------|-------------------------|
| 1. B. A. Rogers         | 19. T. J. Bedsole       |
| 2. W. H. Smith          | 20. T. J. Carlton       |
| 3. A. A. Griffith       | 21. Riley Kelly         |
| 4. W. E. Butler         | 22. John Miller         |
| 5. Jno. B. Tally        | 23. W. W. Morris        |
| 6. Watt T. Brown        | 24. C. S. McDowell, Jr. |
| 7. W. P. Acker          | 25. D. A. Baker         |
| 8. Marion H. Sims       | 26. S. C. Cowan         |
| 9. A. W. Briscoe        | 27. B. T. Phillips      |
| 10. R. L. Huddleston    | 28. W. A. Gunter, Jr.   |
| 11. T. J. Beale         | 29. J. A. Nance         |
| 12. M. L. Leith         | 30. Jas. B. Ellis       |
| 13. C. R. West          | 31. A. H. Carmichael    |
| 14. J. A. Rogers        | 32. R. B. Evins         |
| 15. J. C. Harper        | 33. John Craft          |
| 16. Jos. Norwood        | 34. O. T. Smith         |
| 17. J. Morgan Prestwood | 35. J. B. Espy          |
| 18. J. Marvin Moore     |                         |

I do further certify that the certificate of election required by section 426 of the Code of Alabama, 1907, to be furnished to the members of the Legislature has been by me mailed to each of said members shown to be elected by the returns of election made this department.

In testimony whereof, I, John Purifoy, Secretary of State, have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the city of Montgomery, this the 14th day of January, 1919.

John Purifoy,  
Secretary of State.

I solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama so long as I continue a citizen thereof and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability so help me God:

B. A. Rogers  
 W. H. Smith  
 A. A. Griffith  
 W. E. Butler  
 Jno. B. Tally  
 Watt T. Brown  
 W. P. Acker  
 Marion H. Sims  
 A. W. Briscoe  
 R. L. Huddleston  
 J. T. Beale  
 M. L. Leith  
 C. R. West  
 J. A. Rogers  
 J. C. Harper  
 Jos. Norwood  
 J. Morgan Prestwood  
 J. Marvin Moore

T. J. Bedsole  
 T. J. Carlton  
 Riley Kelly  
 Jno. Miller  
 W. W. Morris  
 C. S. McDowell, Jr.  
 D. A. Baker  
 S. C. Cowan  
 B. T. Phillips  
 W. A. Gunter, Jr.  
 J. A. Nance  
 Jas. B. Ellis  
 A. H. Carmichael  
 R. B. Evins  
 Jno. Craft  
 O. T. Smith  
 J. B. Espy

The President and presiding officer of the Senate then declared the Senate duly in session and ready for the transaction of public business.

#### ELECTION OF OFFICERS.

The President announced the next order of business was the election of officers as follows:

President *Pro Tem*, Secretary, Assistant Secretary, Doorkeeper, Assistant Doorkeeper, an Enrolling Clerk, an Engrossing Clerk, a Comparing Clerk, Doorkeeper for the Gallery, two Messengers and four Pages.

#### ELECTION OF PRESIDENT PRO TEM.

Mr. Acker, of Calhoun, placed in nomination for President *Pro Tem* of the Senate, Hon. T. J. Bedsole, Clarke county, which was seconded by Senator Rogers of Sumter county.

Those who voted for Mr. Bedsole are:

B. A. Rogers  
 W. H. Smith  
 A. A. Griffith  
 W. E. Butler  
 Jno. B. Tally  
 Watt T. Brown  
 W. P. Acker  
 Marion H. Sims

A. W. Briscoe  
 R. L. Huddleston  
 J. T. Beale  
 M. L. Leith  
 C. R. West  
 J. A. Rogers  
 J. C. Harper  
 Jos. Norwood

J. Morgan Prestwood  
 J. Marvin Moore  
 T. J. Carlton  
 Riley Kelly  
 Jno. Miller  
 W. W. Morris  
 C. S. McDowell, Jr.  
 D. A. Baker

S. C. Cowan	Jas. B. Ellis	Jno. Craft
B. T. Phillips	A. H. Carmichael	O. T. Smith
W. A. Gunter, Jr.	R. B. Evins	J. B. Espy
J. A. Nance		

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Mr. Bedsole having received the entire vote cast, being the majority of the vote of the Senate, he was declared duly and constitutionally elected President *Pro Tem* of the Senate for the term prescribed by law.

## ELECTION OF SECRETARY.

Mr. Acker, of Calhoun, placed in nomination for Secretary of the Senate W. F. Miller, of Colbert.

Those who voted for Mr. Miller were:

Messrs:			
Acker	Cowan	Kelly	Prestwood
Baker	Espy	Miller	Rogers (Lauderdale)
Beale	Griffith	Morris	Sims
Bedsole	Harper	Nance	Smith (Coosa)
Brown	Huddleston	Phillips	West
Butler			

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Senator Rogers of Sumter placed in nomination for Secretary J. A. Kyle, of Jackson.

Those who voted for Mr. Kyle are:

Carlton	Evins	McDowell	Smith (Lawrence)
Craft	Gunter	Norwood	Tally
Ellis	Leith	Rogers (Sumter)	

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Mr. Miller having received 21 votes was declared duly and constitutionally elected Secretary of the Senate for term prescribed by law:

## ELECTION OF ASSISTANT SECRETARY.

Senator Ellis nominated H. F. Reese, Jr., of Dallas, for Assistant Secretary of the Senate.

Those who voted for Mr. Reese were:

B. A. Rogers	R. L. Huddleston	T. J. Bedsole
W. H. Smith	J. T. Beale	T. J. Carlton
A. A. Griffith	M. L. Leith	Riley Kelly
W. E. Butler	C. R. West	Jno. Miller
Jno. B. Tally	J. A. Rogers	W. W. Morris
Watt T. Brown	J. C. Harper	C. S. McDowell, Jr.
W. P. Acker	Jos. Norwood	D. A. Baker
Marion H. Sims	J. Morgan Prestwood	S. C. Cowan
A. W. Briscoe	J. Marvin Moore	B. T. Phillips

W. A. Gunter, Jr.  
J. A. Nance  
Jas. B. Ellis

A. H. Carmichael  
R. B. Evins  
Jno. Craft

O. T. Smith  
J. B. Espy

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Mr. Reese having received all the votes cast, being a majority of the Senate, was declared duly and constitutionally elected Assistant Secretary of the Senate for the term prescribed by law.

#### ELECTION OF DOORKEEPER.

Senator Smith, of Coosa, placed in nomination J. K. Jenkins, for Doorkeeper of the Senate.

Those who voted for Mr. Jenkins are:

Messrs:

B. A. Rogers  
W. H. Smith  
A. A. Griffith  
W. E. Butler  
Jno. B. Tally  
Watt T. Brown  
W. P. Acker  
Marion H. Sims  
A. W. Briscoe  
R. L. Huddleston  
J. T. Beale  
M. L. Leith

C. R. West  
J. A. Rogers  
J. C. Harper  
Jos. Norwood  
J. Morgan Prestwood  
J. Marvin Moore  
T. J. Bedsole  
T. J. Carlton  
Riley Kelly  
Jno. Miller  
W. W. Morris  
C. S. McDowell, Jr.

D. A. Baker  
S. C. Cowan  
B. T. Phillips  
W. A. Gunter, Jr.  
J. A. Nance  
Jas. B. Ellis  
A. H. Carmichael  
R. B. Evins  
Jno. Craft  
O. T. Smith  
J. B. Espy

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Mr. Jenkins having received all the votes cast, being a majority of the Senate, was declared duly and constitutionally elected Doorkeeper of the Senate for the term prescribed by law.

#### ELECTION OF ASSISTANT DOORKEEPER.

Senator Bedsole placed in nomination Cad H. Beale for Assistant Doorkeeper of the Senate.

Those who voted for Mr. Beale are:

Messrs:

Acker  
Baker  
Beale  
Bedsole  
Briscoe  
Brown  
Butler  
Carlton  
Carmichael

Cowan  
Craft  
Ellis  
Espy  
Evins  
Griffith  
Gunter  
Harper  
Huddleston

Kelly  
Leith  
Miller  
Moore  
Morris  
McDowell  
Nance  
Norwood  
Phillips

Prestwood  
Rogers (Lauderdale)  
Rogers (Sumter)  
Sims  
Smith (Coosa)  
Smith (Lawrence)  
Tally  
West

—35

Mr. Beale having received all the votes cast, being a majority of the Senate, he was declared duly and constitutionally elected Assistant Doorkeeper of the Senate for the term prescribed by law.

## ELECTION OF DOORKEEPER OF THE GALLERY.

Mr. McDowell, of Barbour, placed in nomination for Doorkeeper of the Gallery, J. G. Watkins.

Those who voted for Mr. Watkins are:

Messrs:			
Acker	Cowan	Kelly	Prestwood
Baker	Craft	Leith	Rogers (Lauderdale)
Beale	Ellis	Miller	Rogers (Sumter)
Bedsole	Espy	Moore	Sims
Briscoe	Evins	Morris	Smith (Coosa)
Brown	Griffith	McDowell	Smith (Lawrence)
Butler	Gunter	Nance	Tally
Carlton	Harper	Norwood	West
Carmichael	Huddleston	Phillips	—35

Mr. Watkins having received all the votes cast, being a majority of the Senate, he was declared duly and constitutionally elected Doorkeeper of the Senate gallery for the term prescribed by law.

## ELECTION OF ENROLLING CLERK.

Mr. Rogers, of Sumter, placed in nomination Mrs. Lula Thompson, as Enrolling Clerk of the Senate.

Those who voted for Mrs. Thompson are:

Messrs:			
Acker	Cowan	Kelly	Prestwood
Baker	Craft	Leith	Rogers (Lauderdale)
Beale	Ellis	Miller	Rogers (Sumter)
Bedsole	Espy	Moore	Sims
Briscoe	Evins	Morris	Smith (Coosa)
Brown	Griffith	McDowell	Smith (Lawrence)
Butler	Gunter	Nance	Tally
Carlton	Harper	Norwood	West
Carmichael	Huddleston	Phillips	—35

Mrs. Thompson having received all the votes cast, being a majority of the Senate, she was declared duly and constitutionally elected Enrolling Clerk of the Senate for the term prescribed by law.

## ELECTION OF ENGROSSING CLERK.

Mr. Gunter, of Montgomery, placed in nomination Mrs. Jessie Lamar, for Engrossing Clerk of the Senate.

Those who voted for Mrs. Lamar are:

Messrs:

Acker	Cowan	Kelly	Prestwood
Baker	Craft	Leith	Rogers (Lauderdale)
Beale	Ellis	Miller	Rogers (Sumter)
Bedsole	Espy	Moore	Sims
Briscoe	Evins	Morris	Smith (Coosa)
Brown	Griffith	McDowell	Smith (Lawrence)
Butler	Gunter	Nance	Tally
Carlton	Harper	Norwood	West
Carmichael	Huddleston	Phillips	

—35

**Mrs. Lamar** having received all the votes cast, being a majority of the Senate, she was declared duly and constitutionally elected Engrossing Clerk of the Senate for the term prescribed by law.

## ELECTION OF COMPARING CLERK.

**Mr. Gunter**, of Montgomery, placed in nomination **Mrs. N. L. Walker**, of Montgomery, for Comparing Clerk of the Senate.

Those who voted for **Mrs. Walker** are:

Messrs:

Acker	Cowan	Kelly	Prestwood
Baker	Craft	Leith	Rogers (Lauderdale)
Beale	Ellis	Miller	Rogers (Sumter)
Bedsole	Espy	Moore	Sims
Briscoe	Evins	Morris	Smith (Coosa)
Brown	Griffith	McDowell	Smith (Lawrence)
Butler	Gunter	Nance	Tally
Carlton	Harper	Norwood	West
Carmichael	Huddleston	Phillips	

—35

**Mrs. Walker** having received all the votes cast, she was declared duly and constitutionally elected Comparing Clerk of the Senate for the term prescribed by law.

## RESOLUTION.

**Mr. Rogers**, of Sumter, offered the following resolution:

S. R. 1. Resolved, That the Senate elect four pages and two messengers to serve the Senate.

And moved that said resolution be adopted by unanimous vote, which motion prevailed, and said resolution was unanimously adopted by the Senate.

## ELECTION OF MESSENGERS.

**Mr. Evins**, of Hale, placed in nomination for Messenger of the Senate **Mike O'Connor**, and **Mr. Gunter**, of Montgomery,



placed in nomination for Messenger of the Senate Dickson Tharin who were elected by a unanimous vote of the Senate.

#### ELECTION OF PAGES.

Mr. Brown, of St. Clair, placed in nomination the following as pages for the Senate: J. F. Cooper, Fred Hinton, Jacob T. Baker, Hinds P. Jones, who were elected Pages of the Senate by a unanimous vote.

#### OATH OF OFFICE.

The oath of office prescribed by the Constitution and laws of the State of Alabama, was then administered by Lieutenant Governor Thomas E. Kilby, who was then presiding officer of the Senate, to the following officers, to-wit: T. J. Bedsole, President *Pro Tem*; W. F. Miller, Secretary; H. F. Reese, Jr., Assistant Secretary; J. K. Jenkins, Doorkeeper; Cad H. Beale, Assistant Doorkeeper; J. G. Watkins, Doorkeeper of the Gallery; Mrs. Lula Thompson, Enrolling Clerk; Mrs. Jessie Lamar, Engrossing Clerk; Mrs. N. L. Walker, Comparing Clerk.

#### RESOLUTIONS.

Mr. Acker offered the following resolution:

S. R. 2. Resolved, That the Senate of Alabama be governed by the Rules of the Senate as adopted in session of 1915, and as set forth in Senate Journal 1915, Vol. 1, page 164, et seq., until new rules are adopted by this Senate, with the following qualifications:

1st. That no appointment of standing committees be made until after the announcement of the result of the opening and publishing of the returns of the election of executive officers of the State by the joint convention of the Senate and House of Representatives, as provided by the Constitution of Alabama, section 115.

2nd. That immediately after such joint convention the Lieutenant Governor-elect, as shown by said returns, submit to this Senate by written communication his recommendations for chairmen and members of the several standing committees respectively, for this session of this Senate, as provided by said rules herein provided to be adopted.

3rd. That the word "twenty-seven" be substitute for the word "twenty-three" where it first occurs in rule 43, as the same appears upon page 272 of Volume 1, of the Senate Journal, 1915.

## RULES OF THE SENATE.

## REGULAR SESSION, 1919.

The Senate Committee on Rules desires to report the following rules:

Rule 1. The President having taken the Chair, and a quorum being present, the Journal of the preceding day shall be read, to the end that any mistakes may be corrected that shall be made in the entry.

2. Every Senator, when he speaks, shall address the Chair, ~~standing in his place, and when he has finished, shall sit down.~~

3. No Senator shall speak more than twice on any question under debate, and shall not consume more than one hour at each time, without leave of the Senate; but the originator of the pending question, or chairman of the committee reporting the measure, shall have the right to conclude the debate, the originator of the pending question to have precedence.

4. When two or more Senators rise at the same time, the President shall name the Senator who is to speak first.

5. When a Senator shall be called to order by the President, or a Senator, he shall sit down; and every question of order shall be decided by the President, without debate, subject to an appeal to the Senate, and the President may call for the sense of the Senate on any question of order.

6. If a Senator be called to order by a Senator for words spoken, the exceptional words shall immediately be taken down in writing by the Secretary, that the President may be better enabled to judge of the matter.

7. No Senator shall absent himself from the service of the Senate, for as long as one day, without leave of the Senate first obtained. In case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Doorkeeper, or any other person by them authorized, for any or all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senator unless such excuse for non-attendance shall be made, as a quorum of the Senate shall judge sufficient, in which event the expense of securing the attendance of such Senator shall be paid out of the contingent fund.

8. When a motion shall be made, it shall be reduced to writing, if desired by the President, or any Senator, delivered at the table, and read, before the same shall be debated.

9. When a question is under debate, no motion shall be received but:

To adjourn,  
To adjourn to a day certain,  
To lay on the table,  
To postpone indefinitely,  
To postpone to a certain day,  
To commit, or  
To amend;

which several motions shall have precedence, in the order they stand arranged, and the motion for adjournment shall always be in order, and be decided without debate.

10. If the question in debate contains several points, any Senator may vote for a division, but on a motion to strike out and insert, it shall not be in order to move for a division of the question; but the rejection of a motion to strike out and insert one proposition, shall not prevent a motion to strike out and insert a different proposition, nor prevent a subsequent motion, simply to strike out, nor shall the rejection of a motion simply to strike out, prevent a subsequent motion to strike out and insert.

11. In filling blanks, the largest sum and longest time shall be first put.

12. When the reading of any paper is called for, and the same is objected to by any Senator, it shall be determined by a vote of the Senate, and without debate.

13. The unfinished business in which the Senate was engaged at the last preceding adjournment shall have the preference in the special orders of the day.

14. When the yeas and nays shall be called for by one-tenth of the Senators present, each Senator called upon shall, unless for special reasons he be excused by the Senate, declare openly and without debate, his assent or dissent to the question. In taking the yeas and nays, and upon the call of the Senate, the names of the Senators shall be called alphabetically.

15. When the yeas and nays shall be taken upon any question, in pursuance of the above rule, no Senator shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

16. All motions to go into executive session shall be decided without debate.

17. All joint resolutions, except those which require immediate action, shall be referred to the Committee on Rules, before they shall be considered by the Senate.

18. No motion shall be deemed in order to admit any person whomsoever within the doors of the Senate chamber, to present any petition, memorial or address, or to have any such read.

19. When a question has been made and carried in the affirmative or negative, it shall be in order for any Senator of the majority to move for the re-consideration thereof; but no motion for the re-consideration of any vote shall be in order after a bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, announcing its decision; nor shall any motion for re-consideration be in order, unless made on the same day on which the vote was taken, or by 12 o'clock next day.

20. All questions shall be put by the President of the Senate, and the Senators shall signify their assent or dissent by answering *their aye or no*.

21. The President of the Senate shall have the right to name a Senator to perform the duties of the Chair, but such substitution shall not extend beyond adjournment.

22. After reading the Journal, business shall be called in the following order:

- 1st. Signing of bills by President,
- 2nd. Call of Districts,
- 3rd. House Messages.
- 4th. Reports from Standing Committees,
- 5th. Reports from Select Committees,
- 6th. Motions and Resolutions,
- 7th. Bills on third reading,
- 8th. Regular order of the day at 12 M.,
- 9th. Miscellaneous business.

The Committee on Enrolled and Engrossed Bills, and on Journal, may report at any time.

This order of business cannot be set aside except by a majority vote of the Senate, upon a resolution, previously considered and reported by the Committee on Rules.

When reports of standing committees are in order, the committee shall be entitled to the floor, last occupying it when the reports were in order.

These rules shall not interfere with special orders for particular days, or special orders for the Senate.

Special orders shall be called at the hour of 12 o'clock, unless specially set for some other hour; and a motion for a special order, if objected to, shall first be referred to and reported from the Committee on Rules.

Under a call of the districts, only bills, petitions, memorials, or resolutions which are to be referred to a committee, shall be introduced, and every bill, petition, memorial or other paper shall upon the first reading thereof, be referred by the President

to the standing committee having the subject matter thereof under consideration unless the Senate by a majority vote order otherwise. And before any petition or memorial addressed to the Senate, shall be received and read at the table, a brief statement of the contents of the petition or the memorial shall be made verbally by the introducer.

23. Every bill shall receive three readings previous to its being passed; and the President shall give notice at each reading of a bill whether it be the first, second or third, which readings shall be on three different days. And no bill shall become a law until it shall have been referred to a standing committee, acted upon by such committee in session, and returned therefrom, which fact shall affirmatively appear upon the Journal of the Senate, and upon its final passage read at length, and the vote taken by yeas and nays, and the names of the Senators voting for and against the same be entered on the Journal.

24. All bills carrying appropriation whether previously referred to another committee, shall be referred to the Committee on Finance and Taxation and reported therefrom.

25. The presiding officer of the Senate shall in the presence of the Senate, sign all bills and joint resolutions passed by the Legislature, after the same shall have been publicly read at length immediately before signing, and the fact of reading and signing shall be entered upon the Journal; but the reading at length may be dispensed with by a two-thirds vote of a quorum present, which fact shall also be entered on the Journal. And all the resolutions proposing amendments to the Constitution or to which the approbation or signature of the President may be requisite or which may grant money out of the contingent fund shall be treated in all respects in the introduction and form of proceedings thereon in the Senate in a similar manner with bills.

26. Bills on first reading shall be committed, and shall be read a second time when returned from the committee on any subsequent day.

27. The final question, upon the third reading of every bill, resolution, constitutional amendment, or motion originating in the Senate, and requiring three readings previous to its being passed, shall be, "whether it shall be engrossed and read a third time" and no amendment shall be received for discussion after the third reading of any bill, resolution, amendment or motion, unless by unanimous consent of the members present; but it shall at all times be in order, before the final passage of any such bill, resolution, constitutional amendment or motion, to move its commitment, and if such commitment take place and any amendment be reported by the committee, the said bill, reso-

lution, constitutional amendment or motion shall be again read a second time, and then the aforesaid question shall be put.

28. The special orders of the day shall not be called by the Chair before 12 o'clock, unless otherwise directed by the Senate.

29. The titles of bills and such parts thereof only as shall be effected by proposed amendments, shall be inserted on the Journals.

30. The proceedings of the Senate, when not in committee of the whole, shall be entered on the Journal as concisely as possible, care being taken to detail a true and accurate account of its proceedings; but every vote of the Senate shall be entered on the Journal, and a brief statement of the contents of each petition, memorial or paper presented to the Senate, shall also be inserted on the Journal.

31. The President of the Senate shall appoint the chairman and members of the standing committees, and he shall appoint all other committees of the Senate, both special and joint.

32. When motions are made for reference of the same subject to a select committee, and to a standing committee, the question on reference to the standing committee shall be first put.

33. That all executive messages be considered with open doors unless otherwise requested in said message, or otherwise ordered by a vote of the Senate.

34. The Committee on Rules may at any time report a special rule that debate on a pending measure shall cease at a certain hour, and a vote be taken on the measure. The consideration of such special rule shall not exceed thirty minutes, when a vote shall be taken thereon.

35. When any question may have been decided by the Senate, in which two-thirds of the Senators present are necessary to carry the affirmative, any Senator who votes on that side which prevailed in the question, may, be at liberty to move for a re-consideration, and a motion for a re-consideration shall be decided by a majority of votes. And every bill, question or measure may be re-considered at any time before 12 o'clock of the succeeding day, that no motion to table a motion to re-consider shall be in order, if made on the same day the proposition proposed to be re-considered, was carried, and no motion to take from the table a motion to re-consider shall be in order, without giving one day's notice.

36. Messages shall be sent to the House of Representatives by the Secretary, who shall previously endorse the final determination of the Senate thereon.

37. Messages may be introduced in any stage of business, except while a question is being put, while the yeas and nays are being called, or while the ballots are being counted.

38. Press reporters shall be placed on the floor of the Senate by the Secretary, or under his direction.

39. The presiding officer of the Senate shall have the regulation and control of such parts of the capitol, and of its passages, as are or may be set apart for the use of the Senate and its officers.

40. Persons admitted on the floor of the Senate chamber while the Senate is in session: Members and former members of the Legislature, officers and employees of the two houses, the governor and his secretary, representatives of the press, other persons to whom the Senate by unanimous vote may extend the privileges of its floor.

41. No smoking shall be allowed in the Senate chamber.

42. The time of meeting of the Senate each day shall be 10 o'clock A. M., except on Monday, on which it shall convene at 12 o'clock noon; and in all cases, upon the adjournment of the Senate, the Secretary shall enter on the Journal the hour of adjournment, and the name of the member on whose motion of adjournment was had.

43. To aid in the dispatch of business, there shall be twenty-seven standing committees, upon the following subjects, and to consist of the number herein named:

1. On the judiciary, to consist of eleven members.
2. On revision of laws, to consist of eleven members.
3. On Constitution and constitutional revision and amendments, to consist of seven members.
4. On finance and taxation, including accounts and claims, fees and salaries, and contingent fund, to consist of eleven members.
5. On banking and insurance, to consist of seven members.
6. On penitentiary, prison and prison punishment, to consist of nine members.
7. On corporations, to consist of five members.
8. On local legislation, to consist of seven members.
9. On education, to consist of eleven members.
10. On commerce and common carriers, to consist of seven members.
11. On mining and manufacturing, to consist of five members.
12. On agriculture, to consist of seven members.
13. On municipalities and municipal organization, including charitable institutions, to consist of five members.
14. On counties and county boundaries, to consist of five members.

15. On immigration and industrial resources, to consist of five members.

16. On public buildings and grounds, to consist of five members.

17. On privileges and elections, including grievances, incapacities and registration, to consist of seven members.

18. On printing, to consist of five members.

19. On public health, to consist of five members.

20. On military, to consist of three members.

21. On temperance, to consist of nine members.

22. On engrossed bills, to consist of three members.

23. On enrolled bills, to consist of three members.

24. On revision of the Journal, to consist of five members, whose duty it shall be to examine in reference to each bill or resolution finally passed by the General Assembly and report whether the Journal contains the entries in reference thereto required by the Constitution.

25. On public roads and highways, to consist of nine members.

26. On game and forestry, to consist of five members.

27. On rules, to consist of five members, with the right to report at any time.

44. Bills on third reading postponed to a day certain, shall take precedence on such day, and from day to day thereafter, until disposed of, of bills on third reading, and the precedence of such postponed bills shall be in the order of their postponement, respectively.

45. No discussion or debate shall be allowed while a vote is being taken, except by unanimous consent of the Senate.

46. A motion to lay on the table amendment or substitute shall not carry with it the original bill, resolution or proposition.

47. The Secretary of the Senate is required to furnish daily to the members of the Senate a printed calendar of all the bills and resolutions intended to have the force of laws on third reading in the order in which they are entitled to consideration.

48. When a committee has decided adversely to any bill or resolution, such action shall be indorsed thereon under Rule 51, and said bill forthwith delivered to the Secretary of the Senate, who shall note the unfavorable report on the register or docket of bills, and keep and print a calendar of same, adding bills from day to day without reprinting. Any Senator may, after one day's written notice, on the day named in said notice after the call of standing committees move the second reading of such bill or resolution when the same may, by a majority vote of the Senate, be read by its title a second time and placed on the calendar.



Only 60 minutes to the side shall be allowed for the discussion of such motion—which may be divided as the Senators favoring and opposing the same may agree for their respective sides.

49. No motion to suspend, modify or amend any rule or any part thereof, shall be in order except on one day's notice in writing, specifying precisely the rule, or part thereof, proposed to be suspended, modified or amended and the purpose thereof; and before any vote shall be taken on such motion, it shall be first referred to the Committee on Rules, and the said committee must report thereon; but any rule may be suspended by unanimous consent of the Senate, and alterations of the rules shall be decided by a majority vote.

50. All resolutions shall be referred to and reported from the Committee on Rules before consideration by the Senate; provided, that this shall not apply to resolutions requiring immediate consideration.

51. The Secretary of the Senate in the keeping of the Journal shall, on the introduction of a bill, make an entry as follows:

"INTRODUCTION OF BILLS."

Upon a call of districts, bills were introduced, severally read once and referred to appropriate standing committees as follows:  
Setting out the number and title of the bill.

Committee on.....

52. When a bill shall be returned from a standing committee of the Senate, the Secretary shall make the Journal read:

"Mr....., Chairman of the Standing Committee on....., reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a.....and they were severally read a second time and placed on the calendar, to-wit:—"

53. When a bill has been acted upon by a standing committee of the Senate, the chairman shall endorse on said bill:

"This bill was referred to the standing committee of the Senate on.....and was acted upon by such committee in session and is by order of the committee returned therefrom with....."

This.....day of....., 191.....

Chairman.....

54. That the Secretary of the Senate will provide the chairman of each standing committee with a stamp with which to make such endorsements.

55. The entry on the Journal as to signing bills shall be:

"The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by

a two-thirds vote of a quorum present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:"

Setting out number and title.

Which was read and adopted.

Mr. McDowell offered the following resolution:

S. R. 3. Be it resolved by the Senate, That the Doorkeeper be requested to secure at once from the Secretary of State and provide each member of the Senate with a copy of the Code of 1907, and a copy of the general and local acts adopted since the adoption of the Code.

Which was read and adopted.

Mr. Phillips offered the following resolution:

S. R. 4. Resolved by the Senate, That the Secretary of the Senate inform the House of Representatives of Alabama that the Senate of Alabama has perfected its organization and elected its permanent officers and is now ready for the transaction of public business; that he will communicate to the House of Representatives the names of the several officers elected by the Senate.

Which was read and adopted.

Mr. Bedsole offered the following joint resolution:

S. J. R. 5. Resolved by the Senate, the House concurring, That the Senate and House of Representatives meet in joint convention in the hall of the House of Representatives at 4:30 P. M. on this, January 14, 1919, for the purpose of witnessing the opening and publishing of the returns of the election of Executive officers of the State of Alabama at the general election in November, 1918, as required by section 115 of the Constitution of Alabama.

Which was read and adopted.

Mr. McDowell offered the following joint resolution:

S. J. R. 6. Resolved by the Senate, the House concurring, That a joint committee of five, consisting of three on the part of the House and two on the part of the Senate be appointed to wait on the Governor of Alabama and inform him of the organization of the Legislature and its readiness to transact public business.

Which was read and adopted, and the Lieutenant Governor, and Presiding Officer of the Senate appointed on the part of the Senate as members of said committee Messrs. McDowell and Miller.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has perfected its permanent organization by electing the following officerse, to-wit:

Speaker—Hon. Henry P. Merritt, of Macon.

Clerk—Fred H. Gormley, of Montgomery.

Assistant Clerk—Jno. Q. Adams, of Dale.

Doorkeeper—J. F. Pouncy, of Dale.

Assistant Doorkeeper—

Enrolling Clerk—J. H. Stewart, of Randolph.

Engrossing Clerk—Leon Jackson, of Montgomery.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following resolution:

H. 3. Relative to a joint committee of the two houses to wait on the governor.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## HOUSE MESSAGE.

The Senate concurred in and adopted the foregoing House resolution, and the Lieutenant Governor and Presiding Officer of the Senate appointed as members of said committee on the part of the Senate, Messrs. McDowell, Miller and Carmichael.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the resolution No. 5, relative to a joint convention in the Hall of House of Representatives at 4:30 P. M., to canvass the election returns.

And returns same to the Senate.

Fred H. Gormley,  
Clerk.

## GOVERNOR'S MESSAGE.

On motion of Mr. Bedsole, the reading of the governor's message was dispensed with and same ordered spread upon the Journal, and on motion of Mr. Bedsole 1,000 copies were ordered printed for the use of the Senate.

*To the Senate and House of Representatives:*

I am directed by the governor to hand you herewith copy of the governor's message to the Legislature of 1919.

Respectfully,  
John Moffat,  
Secretary to the Governor.

*To the Senate and House of Representatives:*

The past four years have been truly an epoch-making period. Many glorious pages have been added to the history of our nation since the close of the deliberations of your predecessors. Never before have the people of our common country been more closely united with a single purpose and possessed with such an earnest desire to be of service to their country and to their fellowman, as they were during the twenty months in which we were at war with European enemies. This unified cooperation and wholesome spirit of self-sacrifice, will make up the brightest pages in the annals of democracy. The spirit displayed has shown that the nation's prosperity had not made of its citizenship a sordid people, but has been, it seems, rather an inspiration to higher ideals and better fellowship. The actions of the people of America will receive the acclaim of the other nations of the world, and it should be an assurance to them, that the beacon of democracy will continue to shine as an example to other peoples, and as an exemplification of the truth, that "Governments should only derive their just powers from the consent of the governed."

In the making of this record, our nation has depended and relied upon the cooperation and support of the forty-eight states of the Union. Alabama has participated in this support equally with all the other states, and now with the return of peace, we can look with pride upon the score that has been made in each of the activities concerning the war, that have gone far toward aiding and strengthening our government in the performance of its tasks.

Alabama answered the nation's call by the tender of volunteers. She answered it through the stoical acceptance upon the part of her people, of the duties assigned to them, by reason of citizenship. She answered the call of the nation by the tender of her best young manhood and of her treasure, without evasion. This was all done with the unfaltering determination that the honor and integrity of the nation should be preserved and that the best traditions of a noble ancestry should be upheld and glorified. How well that faith has been nurtured, is best told in the daily reports that have come from the battlefields of Chateau-Thierry, on the Marne, before Verdun, in the Argonne Forest and from the sectors from Flanders to Lorraine. It is told in the golden hue of the stars in the home service flags. And now when the advance guards of our heroes, flushed with victory, are returning to their native land, we can rejoice as Americans and as Alabamians, over the records which they have made during the world conflict and which records they now bring and present to us, as fresh laurels for the graves of our heroes of the past and of the present.

While rejoicing over the return of our soldiers, our happiness is tempered with a touch of sorrow, for, there are many of those heroes who met the supreme test of duty, by giving up their lives as a sacrifice to their country, that others might live. We should remember, however, that, while the bodies of these heroes may lie in the sacred soil of France, that usefulness and service to one's country and to his fellowman, is not to be measured by the span of years in which he may be permitted to live this life. The influence of a hero does not cease with his physical existence here, but

his spirit continues to abide with his fellowman and to incite him to deeds of valor and to the higher ideals of life, for centuries to come.

Alabama's soldiers, from the illustrious corps commander down to the unheralded private, have all made good; her people at home have stood as a reserve force and imbibed fully the spirit of those who were at the front. The State's record is clear, and we can, with confidence and with sincerity exclaim, "I am proud that I am an American." I am proud that I am an Alabamian.

The achievements of our heroes should be ever perpetuated in our minds and in the memories of those who come after us. There is no more suitable way of commemorating their deeds than by the erection in public places, of enduring monuments. The capitol grounds are the most suitable location for such a tribute. It would lend a touch of beautiful sentiment to this act of remembrance for it to be erected from popular offerings accepted from an admiring and devoted people. The Legislature, however, should father the movement by the creation of a commission to receive subscriptions and to take such other action as may be necessary for the consummation of the plan. The counties will then likely follow the example set by the State and erect monuments in the public places of their several localities. It is something more than sentiment—it is an inspiration to have the acts of noble lives constantly before our view.

You are to be congratulated upon the opportunities presented to you by reason of the responsibilities which you have accepted and which you assume at this time, just in the dawn of a new era. With new occasions come new duties and with the many new problems with which you are now faced come new opportunities and additional obligations. The world has been torn asunder by more than four years of war, and now, with the restoration of peace, the time has come for rebuilding and retsoring the waste that has taken place during these years of turmoil and strife. The readjustment that must take place in our economic life, must be guided by conservative minds and aided by sufficient and willing hands. While within the boundaries of this nation there has been no destruction of property from the invasion of an enemy, yet the desolation which has covered some of the foreign countries has been so absolute that restoration presents a world-wide task. For this rebuilding, our people will be called upon to supply a large part of the instrumentalities through which the work must be done. This, however, is a question that will concern more directly the Federal government rather than that of the State; yet we, as one of the units of this government, must contribute our quota by giving cooperation. Our products, both of the farm and of our industries, will be needed. In addition to this, our own upbuilding which, to a large extent, has remained dormant throughout the time in which we have been directly engaged in the world strife, will of itself demand much of our energies, in order that the requirements of the occasion shall be met. These conditions will bring about a period of activity in every line of endeavor to such an extent, as we have never before experienced. We have suddenly been called upon to change the whole bent of our thought and action from war to peaceful pursuits, but we should take them up with the same energy and perseverance with which we pursued the war and all will be well. Our products are to be distributed to the world and we must be prepared to supply the demands that will be made upon us, if we expect to take advantage of the opportunities that are ours during the great economic upheaval of which we are now in the midst.

It is not alone our economic life that may be affected, but it seems that radical changes are taking place in the minds of many people, including some of our government officials as well, that mark departures, from that

system of government which we have been taught to idealize and under which we have prospered and grown so satisfactorily. In this new outlook that confronts us, we are not called upon to depart, either in principles or in practice, from sound American policy, and we should not permit ourselves to become possessed with that idea.

We have been fighting to make "the world safe for democracy" and a glorious victory in arms has been achieved. It now becomes pertinent for us to inquire of ourselves what kind of a democracy this victory has begotten. Is it to be the democracy of our fathers adjusted to meet the demands of present day civilization? Will it be a democracy of order without the suppression of the individual—one to promote the common good without depriving the individual of initiative, and in all things, one that is planned ~~and executed according to the expressed wishes of the governed?~~ Or is it to be a democracy made up of the vagaries borrowed of those who have been supporting centralized autocracy, under plans contained only in the minds of the few and to be revealed only when success has been thought assured through advantages made possible by powers heretofore conferred to meet the necessities of the government during the time of a great crisis? America was priding herself upon the alacrity with which democracy brought itself together to make efficiency its defense, and since we have accomplished our purpose, are we to sit idly by and submit to the centralized authority at that time granted, used in advancing our government towards theories against which we have been contending? We should not remain silent when, daily, aggressions are being made upon revered institutions without an opportunity being given for the expression of the wishes of the governed. You are the nearest representatives of the people, chosen for legislative work, and while possibly you are not a direct force, you have the right of protest and the privilege of petition on behalf of the people, and woe be unto him who ignores that voice.

This message is sent to you in compliance with the provision of the Constitution, that the executive at the close of his administration, shall transmit to the incoming Legislature a message, conveying information as to the State's affairs. This will be more of a chronicle of the happenings during the past four years, than a message brimming with advice and recommendations. It will be an effort to present to you facts, from which you may gather information that may be of aid to you in arriving at correct conclusions. It is the lack of information that causes most of our ills in governmental affairs, although it must be realized that there are great tendencies with legislative bodies to fly from the ills of which we now suffer, to others of which we know nothing, without inquiring into results. We should be as careful in ascertaining to what any proposed action will lead, as we are active in developing the criticism of existing conditions.

#### ECONOMIC LIFE OF STATE FOR PAST FOUR YEARS.

In coping with the difficulties that have presented themselves, during the past four eventful years, it must be acknowledged that neither the State nor its citizenship were in the most favorable condition to meet the full requirements of the times, but they have been met by the exercise of great effort and by continued persistency. In these qualities the people have not failed to show the sterner material of which they are made, even to the point of sacrifice. You recall that at the commencement of hostilities more than four years ago, what a depressing effect was cast upon the business of this country. It was widespread and extended throughout the nation. It came just preceding the harvest season in Alabama, and,

although we had bountiful harvests, the markets for the products of the field and of the factory were so depressed, that the outlook was indeed very unpromising. Cotton, which was Alabama's principal product, declined to about one-third of the price prevailing a few days before the declaration of war. For months there was practically no market for the staple, and the crop of that year was forced to be sold far below the cost of production. This condition not only denied the realization of the bright prospects that were anticipated a short while before of a satisfactory return for industry, but consumed as well the profits and savings of the preceding prosperous years. This condition continued for more than two years, although not quite in so aggravated a form as during the first ten or twelve months.

The demand for food and clothing by the allied nations engaged in the war had gradually brought about advances in the price of foodstuffs and also to the South's great staple. The demand for munitions of war and for material and appliances pertaining thereto, enabled some industries to prosper enormously. This applied, however, to a very limited number in Alabama. In the late fall of 1916, when the demand for supplies had expanded to the point where it became necessary for allied countries then at war to rely largely upon America for assistance, and when arrangements had been made with America's financial institutions for the extension of credits to cover such supplies as might be purchased for them in this country, then it was that we began to feel the full effects of the requirements of war. Prosperity came quickly with this great demand for our products. The mining interests, which in common with the agricultural and other interests, that had been running at a loss or barely for the cost of operation suddenly found itself unable to supply the great demand for fuel. A prosperous outlook, so far as prices were concerned, again took possession of our State. Other conditions, however, local in effect, but covering large areas, were instrumental in denying to the people the returns that ordinarily would have been their good fortune to receive. The southern half of the State, which was the principal cotton-growing section, was infested by the boll-weevil in 1915, which practically destroyed the crop in that section. The cotton crop of 1915 in Alabama was only 1,025,818 bales, as compared with the production of 1,731,751 bales in 1914. In 1916 the cotton production of the State had fallen to 533,902 bales which is only about 30% of what it was in 1914. In 1916 the farmers, after a great campaign, in order to avoid the ravages of this insect pest which had proven so destructive to the cotton-growing interest, changed their system from cotton as its staple product, to that of diversification. Unprecedented floods in the latter part of the summer, coming after all expenses had been incurred for cultivation, destroyed absolutely the fruits of the labor that had been expended upon the land over a large area of the State. The farmer, however, had pursued his vocation with great persistency, thereby causing prosperity to again knock at his door. With the declaration by our own country, in April, 1917, that a state of war existed with Germany, the prices of all food products, anticipating and feeling the increased demand that would be necessitated by this action, began immediately to take on new life and advanced to prices heretofore realized by but few of the present generation. The products of the mines also, and those of the forest and practically of all activities representing our industrial life, were bringing returns much in excess of what they had a right to expect, only a short few months previous.

The prosperity that had reached other sections of our country in advance of its coming to Alabama, had been instrumental in drawing from Alabama large numbers of its laboring population. It has been estimated

that there were not less than 150,000 negroes alone who had gone to other sections, in search of a higher wage. Consequently, when prosperity returned, it was realized that there was a great deficiency of labor. This condition, of course, has been increased and accentuated, from time to time, as the draft upon those who have been inducted into the military service, became effective. So there has been many obstacles that have worked to the disadvantage of the State, that were not applicable to other sections, which has prevented the citizenship of Alabama from being on equally as favorable conditions to meet the great demands incident to our entrance into the war. These, however, did not work to prejudice the people of Alabama against a desire to assume their full responsibilities in this crisis, or prevent them from measuring up to the full requirements of loyal Americans.

#### ALABAMA'S WAR ACTIVITIES.

While the European war broke out about the first of August, 1914, and our own country did not become directly involved in this war until April, 1917, the nation really was, to a limited extent, in a condition of warfare for nearly three years. For many years Mexico had been seriously involved with internal troubles. The country had been so completely depleted in resources of food and material opportunities, that property near the western border became subject to the depredations of disorganized bands. Many lives had been lost, and much property destroyed and taken away, in the frequent visitations of the lawless bands that infested that section near our western border. For the protection of the border states against the designs of these bandits, the National Guard of Alabama was mobilized for duty at Montgomery on June 18, 1916. The Alabama Guard has been on constant duty since that time. From the day that it was brought together through the proclamation of the President, it had been kept in training at the mobilization camps, near the capitol of the State until the following October, when it was ordered to the western border. It remained on duty in Arizona and Texas until March, 1917, at which time it was entrained for its return to Alabama. A short while after the mobilization order for the National Guard in Montgomery was issued, an additional unit, a full regiment of cavalry, was organized and its services were tendered to the National Government. It was accepted and was duly mustered into service. After some months of training it was sent to Camp Houston on the Texas border. The National Guard of Alabama, then in the service of the National Government, was composed of about 6,000 officers and men. On its return to Alabama and before demobilization orders were put into effect, conditions with the German government had become serious. The break in diplomatic relations was soon followed with a declaration by Congress, that a state of war existed. In consequence of the above, the State Militia has been continuously in service from June, 1916, until the present time.

The Alabama National Guard was divided after recruiting and training for some months at Vandiver Park, which is now within the limits of Camp Sheridan. One regiment, the Fourth, was placed in the Rainbow Division, which was soon embarked for France and were among the first American troops to become engaged in actual warfare. The remainder of the Alabama brigade was transferred to Camp Wheeler. While stationed there the camp suffered from a severe epidemic of pneumonia. A similar scourge passed through the camp of the Alabama National Guard while on the western border. The disease in both instances was of a severe type and many lives were lost. Personal visits were made to both camps while the epidemic was at its worst, and assurance was given that Alabama soldiers



were made of the right material and that when opportunity came for them to measure swords with a visible foe, they would render a good account of themselves. This assurance has been vindicated to the utmost degree, not only as it relates to the National Guard, but to the personnel of the Alabama men in general who were a part of the National Army.

The Selective Service Draft Act was passed by Congress and became a law on May 18, 1917. The registration boards were formed through orders issued by the executive of the State and the first registration day was had on June 5, 1917. This embraced all men of ages from 21 to 31 years, inclusive. After this commenced the work of selecting those of the registrants who were physically fit and who could best be spared from their accustomed vocations, to serve their country in the military service. These were rapidly inducted into the training camps and when the supply from this registration approached exhaustion, under an amended act, those who had reached the age of 21 years since June 5, 1917, were called upon to register on June 5, 1918. The combined number of registrants under the calls were 200,775, of which 122,995 were whites and 77,780 were negroes. Under an amended act, those from 18 to 21, and from 31 to 46, were registered on September 12, 1918. This registration was made up of 155,384 whites and 82,498 negroes. The total number of registrants in Alabama on the three registration days had were 438,657, made up of 278,379 whites and 160,278 negroes. Of the above registrants 32,495 whites and 25,873 negroes were inducted into the service. In addition to the above there were already in the service as National Guardsmen and volunteers in the different branches of military service 15,457, who were not required to register. The total number of Alabamians inducted into the National Army were 73,825, of whom 47,952 were white and 25,873 were negroes. This does not include the large number who volunteered their services and were accepted into the Navy and the Merchant Marine, as we have no record of those.

In addition to this large number of men taken from the State for military purposes and those who had just previous to that time joined in the exodus heretofore referred to, there were great numbers of others, who after the declaration of war went to work in the various plants then being constructed by the government, and in private industries operated in essential war work. The depletion of labor on the farms and those taken from other vocations, made it rather difficult for those who were left behind, to meet all of the demands of the times. It is, however, a pleasure to communicate to you, that this was accomplished by Alabama, both in contributions of manpower, of treasure and with food, not only to feed itself, but with generous quantities to aid in sustaining the outside world.

#### ADMINISTRATIVE.

The condition of the State financially and economically during this period, made it imperative that the work of rehabilitation should engage the attention of those upon whom had been placed responsibilities, as well as the additional duties brought about by the war. The financial embarrassment of the State forbade the exploitation of its resources in the expansion of its institutions, or expenditures otherwise, where it could well be avoided without serious detriment to the interest of the State. The policy of the strictest economy was adopted wherever it was within the authority of the Governor. While this course of conservation is probably less desirable to one's inclination than that of promoting and incorporating his ideas into new and constructive projects, yet we must learn as officials, that conditions must be met as they have been prepared by others.

It has been well known to all Alabamians, that the State, year by year, regularly for a long period, had been spending more than its income, until the time had arrived when it had become a serious burden to finance its affairs and meet its obligations as they matured. This embarrassment in financing was accentuated by the various conditions that presented themselves during the past several years. It is no easy problem to reverse a deficit into a surplus, especially during the period when the greater part of the time involved, general economic conditions were less favorable than they were during the years in which the high plane of expenses causing the deficit, was projected, and during which time, the deficit had accumulated. With a large annually increasing deficit, which had been accumulating during many prosperous years, with the lowest depression throughout the State that had been experienced in almost a half of a century, and with war conditions prevailing throughout the four years, with our own nation involved to some extent, the greater part of the time, has indeed made the period just coming to a close an eventful one. It was a time, during which responsibilities carried with them much labor and when firm adherence was required in all duties.

We are daily relieving ourselves of the burdens imposed upon us by war conditions and should now begin to devote our energies just as earnestly to the upbuilding and development of the State along every line of endeavor. The outlook for material prosperity was never brighter. This condition will likely prevail for at least sufficient time that those who are inclined to thrift, may well prepare themselves for the inevitable shrinkage of opportunities that will come after a few years. While so engaging ourselves, we should not forget the happiness that is to be obtained through the spirit of good fellowship, such as that which has prevailed during the crisis that bound us so firmly into a compact unit.

The status of the different departments of State is presented with the hope and expectation that it will be of aid to you in the discharge of the many duties which you have assumed on behalf of your fellow citizens.

#### STATE COUNCIL OF DEFENSE.

Soon after the declaration of war, in order to better prepare for any eventuality that might arise and to more efficiently enable the State to discharge the obligations which were eminent, an executive proclamation was issued forming a State Council of Defense. This council was made up of an executive committee and of eleven other general committees, representative of, and relating to every phase of our economic and social life. The work of the council has been directed by a chairman, assisted by field agents and clerical force, appointed by the chairman. County councils were formed in every county, which made the organization one of great strength, with its influence penetrating into every section of the State.

It was through the State Council of Defense that the plan of coordination was made effective, by which all work relating to the war and even much that was distantly related thereto, was brought into cooperation with the full spirit of the times. This organization not only engaged its time in furthering propositions that were of advantage in strengthening the State to meet the demands of the war, but busied itself in aiding all movements that would be for the good of the people. It was a general welfare organization in all that the term implies. It was active whenever the opportunity presented itself, in aiding the execution of the Selective Draft laws; it has cooperated with its splendid organization in securing the gratifying success that has been accorded to the different war activity drives, and to a great degree, was accountable for the sentiment of unanimity which per-

vaded the State during the crisis. Its influence and active aid has been ever present, where efficient aid was needed. The councils were formed of loyal and busy men whose time was freely given to their state, in order that she might present the record on which we can now look with pride. At the formation of the State Council of Defense, it was not contemplated that its work would extend beyond the termination of the war. It was created as a war organization and used as such. Its effectiveness has created a desire on the part of some for its continuance. Since the signing of the armistice requests have come from the National Council of Defense that it may continue its work until the many problems presented by the return of peace may at least be in a fair way to settlement.

This organization until very recently was aiding in the readjustment program. It takes time for this, as the work cannot be fully completed until practically all of the soldiers have been returned and mustered out of service. The assimilation in the readjustment program, must take place by degrees and should be directed by some forceful organization, or else an unbalanced industrial condition will likely result. As heretofore stated, the organization was made up of men of large affairs who could not afford to indefinitely separate themselves from their own business, unless the welfare of their country demanded this sacrifice of time. Demobilization has progressed to such a stage that they feel their services are no longer necessary and have asked to be relieved of further duties after January 1st. With a realization that the additional duties contemplated would require thought and action entirely different from that heretofore required of the organization, the request was granted.

There being no State funds available for the support of the State Council of Defense, they were provided by private subscription. The officers and members have received no pay, but the clerical and field force had to be paid and many other expenses, such as aid in other war measures, had to be taken care of. These expenses were greatly reduced with the approach of peace. There are no outstanding obligations, so whatever may be decided upon pertaining to the request for taking up and carrying on the work which the National Council of Defense has in view, can be done without reference to the past.

To this body of men and women, who have so unselfishly and without ostentation given of their time for the benefit of the State, without other thought than to render service, is due the thanks of the people. It is to the chairman of the organization, who gave his full time and personal direction to its affairs, that credit is due for the high state of efficiency with which it has discharged its functions. The several states of the Union formed similar organizations and although many of them had large funds to expend, derived through appropriations of their respective legislatures, Alabama's State Council of Defense, in efficiency and general usefulness, was second to none.

A record of the activities of the State Council of Defense, which embraces such a large part of the war record of the State, has been issued in book form. This volume will give you an idea of the many acts fostered by the State in support of the war.

#### ADJUTANT GENERAL'S DEPARTMENT.

##### *Military.*

This has been an exceedingly important and also very active department throughout almost the entire four years. At the commencement of the four-year period, much had to be done towards restoring the status of

the State with the militia department at Washington. Much property in the nature of equipment is turned over to the National Guard by the Federal government, for which the State, through the Adjutant General's office, is responsible. There had been much delivered to the State in years gone by for which there had been no accounting. This had all to be straightened out or else the State would remain in discredit with the militia department. The lax condition had continued for many years and the shortage had been permitted to grow from year to year. It had reached a condition where it was impossible to effect a complete settlement without a large payment of currency except by compromise and concessions. This was effected through the activity of the Adjutant General, and Alabama was restored to its original good standing.

With the mobilization of the Guard for duty on the western border, the Adjutant General's department assumed a war aspect, which has never since been entirely relinquished. When the draft act became effective, this department became the center of the war activities in Alabama. The work of all the selective draft boards within the State were under the direct supervision of the Adjutant General. While the work of creating the National Army was done under a Federal act, the burden of the proper execution of the law and the responsibilities connected therewith, rested with the State. The Adjutant General gave personal direction to this immense volume of business, and the manner in which it was done brought credit to the department over which he presided, and maintained Alabama's war status in the highest repute.

With the transfer of the National Guard into the National Army, the State was left without an armed organization to assist the peace officers of the State in upholding law and order. On two different occasions, however, assistance was asked of the War Department, which was promptly granted by the appointment of a detail from Camp Sheridan.

With the signing of the armistice and the breaking up of the cantonments, it was considered advisable to organize new units of the National Guard. Steps were taken about November 1st for the organization of the third regiment. The available men who would meet the physical requirements were not plentiful and the work proceeded more slowly than under normal conditions. It was only in the larger cities in which assurance could be placed to secure the men, consequently no effort was made to organize units in the smaller cities. This is rapidly undergoing a change as the soldiers are being discharged.

Under the Federal Act of 1916 provision is made for a greater number of units of National Guards in the several states. The State law should be made to comply with the Federal law, if we expect in future to maintain these organizations as an auxiliary to the peace officers in times of disturbance in the enforcement of law and order and at the same time receive the aid from the Federal government as provided in the act to which reference has been made. It would be advisable that this be investigated by you, that you may take such action as your judgment may dictate.

#### FINANCIAL.

Our finances are the basis of all of our activities and if they should get out of equilibrium, then every part of the government is disturbed. There should be no more of a desire to build up an unhealthy surplus, than to prevent a deficit. Either of the two defects practiced to an excess is liable to bring about inordinate action in the opposite direction. Conditions change sometimes after appropriations have been made that effect the financial status to a degree, but not often seriously, provided the appro-

priations were within a reasonable estimate of the income, at the time when the appropriations were made. There can be no justification, however, for elevating the continued fixed expenses above a fair estimate of the revenues. The excuse often presented, that conditions will change for the better and that those who come after us may remedy our excesses by curbing their desires, is simply the result of consigning one's self into the course of least resistance. We should remember that each administrator possesses, in some measure at least, the ambition to contribute his efforts to constructive measures other than the rehabilitation of the finances of their State. While this phase of public duty when performed, is none the less creditable than that of spending the money which others may have accumulated, it is the more difficult and less agreeable, because one is forced to work at seemingly cross purposes with the heads of departments and therefore, run into many cross currents. There is nothing difficult, provided one has the authority, in keeping appropriations within the revenues. The prerequisite, is an earnest desire to that end. When that quality is present, the results follow as a natural sequence.

Some weeks in advance of your assembling, you received two simple and clear statements, showing the results from operation, of the state's finances for the past two years. This conveyed to you the first essential for intelligently dealing with the State's finances and collaterally prepared you to act on many other measures with which you will have to deal that are closely allied thereto. This advance information in such clear detail, was an innovation to the usual procedure and will prove to be, it is hoped, a time saver, in that you are more fully acquainted with the State's finances the moment you take up your duties, than that which is ordinarily obtained by legislative bodies after weeks of investigation and reports of committees. This action was in line with recommendations made to the last Legislature, but it failed to receive the consideration that its merits deserved.

You were given in the statements referred to as having been sent you, the basis for a budget system. Instead of the outcome being based upon estimates of the future, they show the results of the past, classified and in budget form. A budget must be made up by some one clothed with authority, and its presentation must carry some force other than that of just the mere privilege of presenting one's views to a legislative body to be annulled by the mere vote of the majority of a quorum. In order to avoid injurious or unwholesome legislation pertaining to the finances, or to any institution of the State, the budget should be made up and published months before the assembling of the Legislature. In this way the members-elect would have an opportunity to study and discuss it with their constituency in all of its phases, before they come for actual legislative work. Don't you think this would be a decided advance over our present method? You doubtless have perceived that, in order to carry out this idea, an amendment to the Constitution would be required. It is the only way, however, to establish the budget system in the State's affairs, but it would be worth the while.

In addition to incorporating in this message the financial statement for the year ending September 30, 1918, in parallel column, there has been made an estimate of the revenues and expenses for the current year, ending September 30, 1919. These estimates are based upon our present laws and on the present plane of expenses. They are conservative and will prove approximately correct.

There will also be conveyed to you as a part of this report a proposed revenue code gotten up by the Governor, Attorney General and the Auditor, as provided for by the Constitution. The changes from the present revenue laws are few and while they are not offered for the purpose of gaining

revenues, but pertain mostly to the collection of the revenues and in harmonizing the different parts of the law. Yet should they be adopted, the effect will be to increase the revenues to some extent. It is not advisable that the revenue laws of the State should be torn asunder and rebuilt with each recurring legislative session. It requires some time for the officers who are to collect the tax and the people who pay them, to ascertain what are their respective duties. The laws as they are, embrace every class of business that can be discovered and the present burdens of the tax payers are sufficient to maintain him in an humble spirit.

The State had a surplus from last year's operation of \$647,563.03, which of course reduced the outstanding warrants to that extent. This result was quite a reversal of the habit into which the State had fallen, that of spending more than its revenues. This practice had continued through many years, until a deficit had been created in amount equal to more than one-third of the State's annual revenues. This change which has been wrought, that of substituting for an average annual deficit of more than four hundred thousand dollars, an annual surplus of \$647,563.03, is equivalent in results, to a change of more than one million dollars per annum, in the State's finances. This credit balance from the operation of the State's affairs for a single year, is the largest ever obtained in the history of the State. The deficit which had caused so much annoyance, is no longer a vexing problem. It is now within easy bounds for financing, and rapidly growing less, but you should not permit this statement to lure you into the idea that you can recklessly make appropriations, depending upon the future to take care of the results. The public demands that economy should prevail until the State's floating debt is paid. Even after this has been entirely accomplished, its practice will continue to be looked upon as a virtue. On the present basis of operation, that is, the scale of expenses for 1918, or on the scale of expenses of the past three months of the present fiscal year, with the current year's revenues which have been already fixed by law, the deficit can be easily liquidated by February 20, 1920. For verification of this, see detailed statement of Revenues and Expenses embodied in this message.

Present conditions, however, demand that you should provide an increase in the allowance for some of the State institutions and departments. There are many conditional appropriations on the books, the release of which would have brought to me much pleasure if the finances of the State had justified such action, but considering the conditions releases were made only when actual necessities demanded such action.

There are two items of credit shown in the estimate of income for 1919, that properly belonged to the fiscal year ending September 30, 1918. They will aggregate more than \$100,000, but were not received until after the close of the fiscal year. They will, however, to that extent, increase the current year's receipts. These items alluded to, are the oil tax, which is collected by the Alabama Polytechnic Institute, the report of which was delayed by the influenza scourge. The other, being the franchise tax on foreign corporations, which was in litigation, and the opinion of the highest court was not rendered upholding the State's contention, until after the close of the fiscal year. These, if received in their proper time, naturally would have improved the showing for last year. The balance with the addition of these two items, would have given a surplus for the year 1918 of more than \$750,000. However, there has been brought over a balance due to the sheriffs on feed bills for the years 1915 and 1916, amounting to \$66,103.50, which will consume a good part of these two items, and for which you are asked to pass a special appropriation. This balance due the sheriffs would have been paid during the past year except for a ruling of

the Attorney General, that accounts accruing in one year, could not be paid out of the appropriations made for subsequent years. This is the only item or account accruing during the past four years for which you will be called upon to make an appropriation. Other than this, you are handed a clean slate. This is quite different from former experiences, but conditions existing at such times possibly caused that course to be unavoidable.

The amount of the outstanding warrants on September 30, 1914, were shown to be \$950,202.01. There was, however, an accumulation of unsettled bills and accounts aggregating a very large amount which the Legislature had to provide for and which were paid in 1915. In addition to this, there were many large sums released to institutions, and besides, more than \$150,000 that had to be refunded on account of decisions relating to the corporate franchise laws of 1907, the courts having decided them to be unconstitutional. If warrants had been issued for all accounts at the time they accrued prior to September 30, 1914, for amounts that were properly chargeable to previous administrations, the outstanding warrants on September 30, 1914, would have been \$1,995,254.97.

Aside from the large, outstanding, floating obligations of the State as shown above, and for which there was no provision for payment, except by a system of kiting, the annual expenses were pitched on a plane of more than \$400,000 above the revenues. The depression over the State was at its lowest depths. Business of every conceivable branch was stagnant and values were contracted. It indeed presented a gloomy outlook, especially as to the likelihood of ever reversing the habit into which the State had fallen and had pursued for so many years, that of spending more each year than its annual income. The Legislature continued its session until the end of the fiscal year without giving relief, and this left no opportunity to start the real work of rehabilitation until the following year was far advanced. Warrants issued for current expenses in 1915 and 1916 were paid promptly through financial arrangements made in those years. In fact, the floating debt of the State had been so thoroughly financed in 1915, that a doubt seemed to have been created in the minds of many as to whether a real indebtedness existed. This was unfavorable towards securing the cooperation needed to accomplish the ends sought. There were entirely too many who seemed not to realize the desperateness of the situation. At this juncture it was determined that a little psychology would go further than cash and extreme measures were adopted. The payment of warrants were held up as an educational measure. This action was productive of much friction, but was efficacious. Firmness and determination, with many confidential talks, brought about a better understanding. When this had been accomplished conditions were matured for better results.

Reference has heretofore been made to the small increase in tax values during the period from 1914 to 1918, as compared to those of the previous four and eight-year periods. This result, as you must know, was on account of the long period of depression, during which time the assessment of real property was made. The values as fixed in 1916 on realty, practically continue under the law, until 1920. The increase in assessed values for the next four years should therefore, be the greatest for any similar period in the history of the State, because the two years 1916 and 1920 will represent the two extremes of the economic conditions of the present decade. If the average of the increases in assessed values for the period of the eight years from 1914 to 1922 keeps pace with the increases during the period from 1906 to 1914, then the prediction made above will be fully realized, as is shown by the following table:

Increase for four tax years from October 1, 1906, to 1910-----	\$134,718,584
Increase for four tax years from October 1, 1910, to 1914-----	106,784,884
Increase for four tax years from October 1, 1914, to 1918-----	89,672,067

In order that the last eight year period of 1914 to 1922 shall maintain the same increase as the period of 1906 to 1914, the last four years of the former mentioned period, that is, 1918 to 1922, must maintain an increase of \$151,831,411 during the four years. This would be greater than the increase was for the four years of 1914 to 1918 by \$62,159,344. It is an entirely reasonable supposition that this estimate will be sustained. If it should, the assessed values for taxation will be in 1922, 850 millions. We are now having unprecedented prosperity against the depths of depression in 1916, when the last general assessment of values were made.

Of the increase in the assessed values during the four years from 1914 to 1918, \$29,868,565, or one-third of the total for the four years, was had in 1918, which indicates a liberal response in tax values to prevailing conditions. You will note also that one-third of the increase in values during the last four year period was made in 1918, but as the taxes are collected on this from October 1, 1918, to September 30, 1919, this administration will not receive credit from the benefits of the only year that reflects present-day prosperity in the statement made up at the end of the last fiscal year. The main task, however, was to change an annual deficit into an annual surplus and this has been done in the most satisfactory manner. Not only has this been accomplished, but the State's debt has been materially reduced and the annual excess of income is now approaching a million dollars.

Regardless of whether or not the increase in values as presented should be sustained, there will be a gradual increase of revenue from assessments for each of the four years, as shown by the records for many past decades. If, however, the estimates of increases in values as above made, should be sustained, then the revenues from advalorem taxes will be \$986,904.17 greater in 1922 than they were for the year ending September 30, 1918. Of this sum \$455,494.23 would go to the elementary school fund, and \$531,409.94 would be available for general purposes. This improvement, of course, is taking place annually and the revenues will grow each year until 1922, when the full estimate will have been realized. For instance, the revenues from advalorem values will be approximately \$195,000 greater this year than they were in 1918. In addition to this, there is a natural increase from year to year in license and other taxes, as the State develops and business grows, and this can be relied upon under normal conditions. These are stated that you may have the benefit of the observation of one who has had four year's experience during a trying period and under most unfavorable conditions.

During the four years in which the status of the present financial report was being wrought, there was quite an increase in the aggregate amounts paid to a number of institutions, as compared with that paid during the previous four years. Some of these institutions were established by the Legislature of 1915 and represent new appropriations while others represent the natural growth of four years. The principal institutions and departments that received these increases were as follows:

Confederate Soldiers' Pensions-----	\$ 195,430.45
Bryce Insane Hospital-----	166,302.76
Boys' Industrial School-----	65,675.03
Alabama Reform School for Negro Boys-----	64,525.83
Elementary Schools-----	1,121,894.88



Girls' Training School-----	21,350.23
(New) Educational Bonus Fund-----	149,000.00
(New) For Tick Eradication, expended in four years-----	76,664.60
(New) Hog Serum, expended in four years-----	31,200.00
Total amount paid to certain institutions in excess of that paid during the previous four years-----	\$1,892,043.78

Notwithstanding this growth in the expense of the State for certain institutions, during the past four years, equal to an average of \$473,010.95 per annum, the total expenditures of the State for the year 1918 were \$17,360.48 less than they were for the year ending September 30, 1914, while the revenues were \$967,640.80 greater.

The Confederate soldier has never received the full pension for the last quarter of the pension year. It appears, however, that the crest of the amount that will be required on the given rate, was attained in 1917. The succeeding year shows a marked decline, as does also the payment for the first two quarters of the current year, compared with the corresponding quarters of the previous year. It appears now, that if the full payment for the last quarter of this year should be made, that the total amount for this cause for 1919, will not exceed the amount paid in 1917, and the State treasury is in much better condition. There has been paid for pensions during the past four years \$3,987,964.00, which was \$195,430.45 greater than was paid the previous four years, and \$620,510.55 more than for the years 1907, 1908, 1909 and 1910. Since the high tide of the demands to meet this obligation has passed, you can take this into consideration in forecasting results for the next four years.

The institutions mentioned that are on a per capita basis, received increased appropriations by reason of the growth in the number of those who have been assigned to their charge. The demands for the current year will not likely show the usual annual increase. The tendency is in the opposite direction, as shown by detail reports, this being a result of prevailing conditions.

There is ordinarily a tendency to hunt for new sources of taxation from which additional revenue can be derived. It does not appear that this is an opportune time to increase burdens. When we consider the extent to which the people have been called upon during the current calendar year, it looks as if the State should be content with its present schedule. It may be, however, that some will clamor for more revenue, who judging others by themselves, fail to realize that which may be treated lightly by them, will prove to be the last straw for others. If industry does not receive a fair return, the State will fail in its higher aspiration.

For your information as to what the people of your State have been doing in the way of responding to the calls of the National Government in the payment of income taxes and the different activities pertaining to the war, there is given herewith the amounts that have been paid during 1918 for each particular account. The amounts that they will be called upon to pay in taxes in 1919 will be more than double of that paid in 1918 on account of the increased rate. Less will be required of them, however, to meet the demands for bonds and other war work fund.

Income and war taxes (paid by 18,400 individuals and corporations)-----	\$12,000,000
Red Cross (subscribed by 383,779 people)-----	1,401,009
United War Work Campaign-----	1,297,380

Library Fund .....	12,260
Knights of Columbus.....	45,360
Liberty Loan Bonds:	
April 6th to March (third).....	21,428,950
September 28th to October 19 (fourth).....	36,145,850
War Saving Stamps (to November 1st).....	9,100,000
	<hr/>
	\$81,430,809

Besides the above there were other large sums raised on behalf of the Y. M. C. A. and the Y. W. C. A., of which no information is at hand.

Much of the above was by voluntary contribution, but this fact should not be taken advantage of by those in authority and advanced as a reason why a heavier tribute may be exacted. We should not hunt for new tax contrivances, as the annual receipts will be sufficient to meet all judicious requirements.

The tendency of man is for power, and for still more power. There is no greater force than that entailed by the laws to exact tribute in the shape of taxes. Dynasties and governments have been overthrown as a protest of their people against oppression caused by the cupidity and profligacy of rulers. The exaction of taxes beyond the just needs of government, honestly and economically administered, is nothing less than tyranny.

The above sums were paid as a contribution to the war necessities of our government, and you should lend consideration to the fact that a good percentage of our population will be required, for many years to come, to pay Federal income and war taxes, and that those who will not be required to pay them doubtless will have all the burdens they can well bear, in the form of State taxes together with the high cost of living.

From a careful study of the statement below, showing the expenses and revenues of 1918, and the estimated expenses and revenues for 1919, you should be convinced that with judicious conservatism practiced for a short while longer all will be well. The end is in sight and that which has heretofore been such a vexed problem, has now reached a satisfactory solution and that after a few months it will exist only in our memories.

#### CONDENSED STATEMENT OF THE STATE'S REVENUES AND EXPENSES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1918, AND ESTIMATES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1919.

RECEIPTS.		
Items.	Receipts for 1918.	Estimated Receipts for 1919.
1. Advalorem Taxes .....	\$ 4,171,338.93	\$ 4,346,339.00
2. Poll Taxes .....	188,950.50	150,000.00
3. Licenses Taxes.....	911,778.86	1,050,750.00
4. Insurance Department .....	358,585.78	385,000.00
5. Receipts from other State Departments .....	142,966.22	154,200.00
6. Convict Department .....	775,077.30	1,046,000.00
7. Miscellaneous Receipts, etc.....	172,575.13	180,374.45
	<hr/>	<hr/>
Grand Total.....	\$6,721,272.72	\$7,312,663.45

## DISBURSEMENTS.

	Disbursements for 1918.	Estimate Dis- bursements for 1919.
1. Schools of every character-----	\$ 3,385,385.94	\$ 3,604,098.00
2. Confederate Pensions -----	956,821.20	1,000,000.00
3. State Institutions, exclusive of schools-----	439,738.00	447,000.00
4. Interest -----	428,645.61	405,000.00
5. Judicial Department-----	230,483.73	229,250.00
6. Detached activities of the State-----	236,679.68	238,300.00
7. Executive Salaries -----	180,706.74	179,320.00
8. Executive Expenses -----	88,242.76	97,150.00
9. Feeding Prisoners-----	81,325.01	151,103.50
10. Public Printing -----	24,624.25	60,000.00
11. Miscellaneous Disbursements-----	20,516.77	12,600.00
12. Alabama National Guard-----	540.00	15,000.00
Legislative Session -----		120,000.00
	<hr/>	<hr/>
Receipts over Disbursements-----	\$6,073,709.69	\$6,558,821.50
Estimate Receipts over Disbursements	647,563.03	753,841.95
	<hr/>	<hr/>
	\$6,721,272.72	\$7,312,663.45

## RECEIPTS.

	Receipts for 1918	Estimate Receipts for 1919
Item No. 1.		
Taxes, Etc.:		
Proceeds 6½ mills, less erroneous assessments, refunds, etc. -----	\$ 4,171,338.93	\$ 4,346,339.00
Item No. 2.		
Poll Taxes -----	\$ 188,950.50	\$ 150,000.00
Item No. 3.		
Licenses, Etc.:		
License Tax, less refunds-----	\$ 401,176.56	\$ 450,000.00
Mortgage Tax -----	81,561.36	70,000.00
Corporation Taxes -----	34,060.85	35,000.00
Lands Redeemed -----	20,619.67	20,000.00
Back Taxes -----	11,101.40	6,000.00
Telephone and Express Companies-----	25,969.86	26,000.00
Oil Companies -----	22,499.93	25,000.00
Corporation Permits -----	7,297.50	8,000.00
Motor Vehicle License-----	259,428.90	300,000.00
Chauffeur's License -----	6,666.75	7,500.00
Building and Loan Associations-----	2,397.22	2,400.00
News Company License-----	399.99	350.00
Trading Stamp Companies-----	3,298.40	3,300.00
Dog Tax -----	35,301.46	10,000.00
Foreign Corporations for 1917 and 1918-----		87,200.00
	<hr/>	<hr/>
	\$911,778.86	\$1,050,750.00

	Receipts for 1918	Estimate Receipts for 1919
Item No. 4.		
Insurance Department -----	\$ 358,585.78	\$ 385,000.00
Item No. 5.		
Receipts from State Department:		
Agriculture and Industries -----	\$ 94,767.53	\$ 100,000.00
Pure Food and Drug Bureau -----	28,940.56	35,000.00
Banking Department -----	15,054.20	15,000.00
Market Bureau -----	201.00	200.00
<b>Game and Fish Department: Gross, \$6,588.14:</b>		
Expenses, \$2,585.21 -----	4,002.93	4,000.00
	<hr/> \$142,966.22	<hr/> \$154,200.00
Item No. 6.		
Convict Department:		
Net Earnings -----	\$ 775,077.30	\$ 1,046,000.00
Item No. 7.		
Miscellaneous Receipts, Etc.:		
Fees, various at Capitol -----	\$ 12,686.71	\$ 13,000.00
2% and 3% Fund -----	111.46	100.00
Circuit Court Solicitor's Fees -----	25,476.22	30,000.00
Land Sales, less errors -----	2,708.29	1,500.00
Sale of Books -----	2,154.50	3,000.00
Sale 16th Section Lands -----	22,189.20	10,000.00
Rent 16th Section Lands -----	2,148.50	2,000.00
Sale of Oil Tags, 1917 -----	28,652.17	35,000.00
Sale of Oil Tags, 1918 -----		45,999.45
School Indemnity Lands -----	843.20	843.00
Rent of Salt Lands -----	2,400.00	2,400.00
Forest Reserve -----	32.48	32.00
Supreme Court Cost -----	1,908.98	1,500.00
Vocational Education -----	34,575.42	35,000.00
Montevallo School Lands -----	36,688.00	?
	<hr/> \$172,575.13	<hr/> \$180,374.45
Grand Total -----	<hr/> \$6,721,272.72	<hr/> \$7,312,663.45

## DISBURSEMENTS.

	Disburse- ments for 1918	Estimate Disburse- ments for 1919
Item No. 1.		
Schools of Every Character: Receipts.		
Public Schools -----	\$ 2,527,847.69	\$ 2,602,848.00
County High Schools -----	171,000.00	171,000.00
Alabama Polytechnic Institute -----	117,280.00	167,000.00
School for Deaf and Blind -----	81,345.00	82,000.00
University of Alabama -----	71,000.00	71,000.00
Boys Industrial School -----	55,987.50	60,000.00
Girls' Technical, Montevallo -----	54,932.29	55,000.00
Erection and Repair Rural School- houses -----	78,173.69	95,000.00
Special Appropriation, Bonus Fund	104,000.00	160,000.00

	Disburse- ments for 1918	Estimate Disburse- ments for 1919
Agricultural Schools -----	40,500.00	40,500.00
Reform School, Negroes -----	31,894.00	32,000.00
Special Appropriations -----	7,150.39	7,150.00
Institute Conductors ----- \$ 7,842.96	13,635.59	14,000.00
Institute Conductors (Estimate) -- 8,000.00		
State Board of Examiners -----	12,100.04	14,500.00
Training School for Girls -----	15,887.50	16,000.00
Agricultural and Industrial School	6,125.00	6,500.00
N. E. Agricultural Schools -----	3,000.00	3,000.00
Public School Library Fund -----	2,650.00	2,600.00
Boys' and Girls' Agricultural Clubs	2,400.00	2,500.00
Issuance and Extension of Teach- ers' Certificates ----- 1,407.50		
Issuance and Extension of Teach- ers' Certificates (Estimate) --- 1,500.00		
Fees, Examination of Teachers --- 12,017.85		
Fees, Examination of Teachers (Estimate) ----- 14,000.00		
Vocational Education -----	9,745.56	25,000.00
	<hr/>	<hr/>
Less Receipts -----	\$ 3,406,654.25	\$ 3,627,598.00
	21,268.31	23,500.00
	<hr/>	<hr/>
Total Net Disbursements ---	\$3,385,385.94	\$3,604,098.00
Item No. 2.		
Confederate Pensions:		
Total Warrants Issued -----	\$ 956,821.20	\$ 1,000,000.00
Item No. 3.		
State Institutions, Exclusive of Schools:		
Alabama Insane Hospital -----	\$ 412,174.50	\$ 420,000.00
Confederate Soldiers' Home -----	22,313.50	22,000.00
Mercy Home Industrial School -----	5,000.00	5,000.00
Confederate Memorial Museum -----	250.00	-----
	<hr/>	<hr/>
Total -----	\$439,738.00	\$447,000.00
Item No. 4.		
Interest:		
Interest on Bonded Debt -----	\$ 359,078.67	\$ 360,000.00
Governor's Interest Contingent Fund -----	57,566.94	30,000.00
Interest on Temporary Loans -----	12,000.00	15,000.00
	<hr/>	<hr/>
Total -----	\$428,645.61	\$405,000.00
Item No. 5.		
Judicial Department:		
Circuit Court Judges -----	\$ 106,000.00	\$ 106,000.00
Supreme Court Judges -----	53,884.57	54,000.00
Circuit Court Solicitors -----	51,280.00	50,000.00
Special Judiciary Expenses -----	168.56	250.00
Court of Appeals -----	19,150.00	19,000.00
	<hr/>	<hr/>
Total -----	\$230,483.73	\$229,250.00

Item No. 6.		Disbursements for	Estimate Disbursements for
Detached Activities of the State:		1918	1919
State Highway Department (Salaries)-----	\$	8,555.52	\$ 8,500.00
State Highway Department (County Aid)-----		97,080.40	100,000.00
State Highway Department (Expenses)-----		2,650.40	2,000.00
Health Department (Appropriations)-----		24,888.92	25,000.00
Health Department (Salaries)-----		1,200.00	1,200.00
Farm Demonstration Work (Salaries)-----		23,775.03	24,000.00
Farm Demonstration Work (Expenses)-----		33.81	50.00
Tick Eradication (Salaries)-----		13,773.56	12,500.00
Tick Eradication (Expenses)-----		828.89	1,000.00
State Mine Inspectors (Salaries)-----		13,000.00	13,000.00
State Mine Inspectors (Expenses)-----		6,027.63	6,000.00
Archives and History (Salaries)-----		3,733.33	3,750.00
Archives and History (Expenses)-----		8,905.76	8,900.00
State Harbor Commission (Salaries)-----		9,550.00	9,500.00
Geological Survey (Salaries)-----		2,400.00	2,400.00
Geological Survey (Expenses)-----		6,600.00	7,500.00
Bureau of Soils-----		870.23	1,000.00
Live Stock Sanitary Board (Salaries)-----		2,833.60	3,000.00
Live Stock Sanitary Board (Expenses)-----		2,165.80	2,000.00
Board of Horticulture-----		5,000.00	5,000.00
Hog Cholera Serum-----		2,000.00	1,200.00
Board of Law Examiners-----		806.80	800.00
Total-----		\$236,679.68	\$238,300.00

## Item No. 7.

Executive Salaries:			
Governor's Office-----	\$	13,950.00	\$ 12,000.00
Convict Department-----		17,462.39	17,500.00
Agriculture and Industries-----		13,600.00	15,000.00
Public Service Commission-----		15,800.00	16,000.00
Attorney General's Office-----		9,333.65	10,000.00
State Banking Department-----		12,000.00	12,000.00
State Board of Equalization (Members)-----		11,400.00	11,400.00
State Board of Equalization (Clerical)-----		9,500.31	9,500.00
Auditor's Office-----		10,200.00	10,200.00
Treasurer's Office-----		9,562.50	9,750.00
Examiners of Public Accounts-----		9,300.00	9,300.00
State Prison Inspectors-----		8,800.00	8,800.00
Insurance Department-----		8,000.00	8,000.00
Superintendent of Education-----		8,550.00	8,550.00
Secretary of State-----		5,700.00	5,700.00
Alabama National Guard-----		4,434.26	3,000.00
Watchmen at Capitol-----		3,600.00	3,600.00
Game and Fish Department-----		2,500.00	2,500.00
Temporary Clerks-----		2,992.50	2,500.00
State Land Agent-----		1,800.00	1,800.00
Servants at Capitol-----		1,621.13	1,620.00
State Purchasing Agent-----		600.00	600.00
Total-----		\$180,706.74	\$179,320.00

Item No. 8.		Disburse- ments for	Estimate Disburse- ments for
Executive Expenses:		1918	1919
Repairing and Refurnishing State Capitol	\$	7,926.27	\$ 7,000.00
Examiners of Public Accounts		5,320.07	5,300.00
Stationery and Office Supplies		6,788.23	10,000.00
State Banking Department		5,707.18	5,500.00
Postage		5,000.00	5,000.00
Automobile Tags		5,611.74	7,500.00
Governor's Contingent Fund		5,549.47	10,000.00
Military Expenses		2,601.45	2,500.00
Fuel, Lights and Water		4,043.45	4,000.00
Attorney General's Expenses		1,352.62	2,500.00
State Prison Inspectors		2,360.87	2,000.00
Insurance on Capitol Building		4,938.00	2,500.00
Bonds State Employees		1,992.96	2,000.00
Public Service Commission		1,513.65	1,500.00
Distributing Public Documents		668.12	1,000.00
Governor's Mansion Maintenance		499.82	500.00
State Land Agent		77.75	100.00
Making List Land Entries		31.40	50.00
County Land Agent		128.35	100.00
Agriculture and Industries		10,549.35	12,000.00
Insurance Department		7,539.99	8,000.00
Pure Food and Drug Bureau		6,835.24	7,000.00
Chauffeur's License Expenses		1,205.43	1,100.00
Oyster Protective Fund		1.35	
Total		\$88,242.76	\$97,150.00
Item No. 9.			
Feeding Prisoners:			
Total Amount Paid	\$	81,760.65	\$ 85,000.00
Less ReFunds		435.64	
Total		\$81,325.01	
Sheriffs Bills for 1916 and 1918, unpaid			\$66,103.50
Item No. 10.			\$151,103.50
Public Printing:			
Printing	\$	24,624.25	\$ 60,000.00
Item No. 11.			
Miscellaneous:			
Registration of Voters	\$	11,755.13	\$ 5,000.00
Advertising Tax Sales		2,692.93	3,000.00
County Board of Education		475.96	
Special Appropriations		1,000.00	
Advertising Sealed Bids		21.35	
Removal of Prisoners		2,278.19	3,000.00
Arrest of Absconding Prisoners		600.00	1,000.00
Text-book Commission		948.46	
Weights and Measures		123.40	
Railroad Rate Litigation		21.33	
Clarke County High School		600.00	600.00
Total		\$20,516.77	\$12,600.00

## Item No. 12.

Alabama National Guard:		
Alabama National Guard-----	\$ 540.00	\$ 15,000.00
Legislative Session -----		\$ 120,000.00
Grand Total -----	\$6,073,709.69	\$6,558,821.50

You will note in the above statement that notwithstanding the extraordinary expense incident to a legislative session, that the net receipts of the State for 1919 will be \$753,841.95, which is greater by \$100,000 than they were in 1918. The amount of outstanding warrants on September 30, 1918, was \$1,589,136.89 with a cash balance in the Treasury on that day of \$56,321.75, which would leave a real indebtedness not constitutionally provided for of \$1,532,815.14. If from this should be deducted the surplus from 1919 as shown in the above estimate, the balance of outstanding warrants would be \$778,973.19 on September 30, 1919. The assessments during 1919 on which collections will be made for the year 1919-20 will be materially greater and will bring increased revenues. The expenses of a legislative year will not have to be provided for in 1920, in consequence of which, the net revenues should be much larger in 1920 than in 1919. Experience has shown, as has been heretofore presented, that the increase in values can be relied upon. But if there should be no growth in values the net revenues in consideration of no legislative expense to be paid would be around one million dollars.

From the above, the conclusion must be reached, that the revenues of 1920, with the present revenue laws and with the present scale of expenses, will liquidate the State's floating indebtedness. The assertion has been heretofore made, that the State's floating debt can be paid by February 20, 1920. Let it be clearly understood, that what is meant by that declaration is, that when he last of the warrants are paid on February 20, 1920, that it will be necessary to make provision to care for further issues of them, as thereafter the revenues will take care of the running expenses of the State. The outstanding warrants can all be paid by February 20 of the present year, but it will become necessary afterwards to make provision for about \$800,000 during the balance of the year. This will be the first year, however, during the past four, at least, in which the Treasury has been able to pay all warrants that had been issued. During the fiscal year of 1915-1916 the State of the Treasury was not in a condition at any time to reduce the indebtedness below \$1,700,000. The people were not in condition to settle their taxes promptly. Instead of the taxes being paid in November, December and January, the payments were spread over nine months of the year. Sales of property in that year on account of the defaults in the payments of taxes, were the greatest in the history of the State. During 1916 arrangements were made with financial institutions to carry more than two and one-quarter millions of the State warrants.

Since the beginning of the present fiscal year, the floating indebtedness of the State has been materially decreased. The revenues collected in October and November were not only sufficient to meet the large current expenses of these two months, but permitted also, the payment of warrants which had been issued prior to that time. This was the first instance in which the State's indebtedness was not increased by the demands on the treasury during these two months of the year, at least, since 1909, when the deficit began to appear.

It has been the practice of the past, with different administrations, both incoming and retiring, to arbitrarily select some particular date, the time



when it may be most suitable for the purpose, to present the State's financial status in the most favorable light. The only correct time at which our reckoning and calculations should be based in ascertaining the financial status of the State, is at the close of the fiscal year. Insofar as the present administration is concerned, the time which you may select for this purpose is of little moment. The further you remove it from the beginning of the last fiscal year, the better the showing will be in the improvements of the State's financial condition. If delayed a few weeks after its close, you will find all warrants either paid or a sufficient amount of cash in the treasury to pay them. On September 30, 1918, there were \$1,589,136.89 outstanding warrants and \$56,321.75 cash in the treasury. On December 1st outstanding warrants were \$1,811,568.01 and cash in the treasury \$366,518.42, which would leave a balance of \$1,445,049.59. On January 1, 1919, the warrants unpaid were \$1,900,711.09 and cash in the treasury \$290,609.32. On this morning, January 14th, the unpaid warrants are \$864,407.04, with \$631,100.65 cash in the treasury, which would give a balance between unpaid warrants and cash on hand of \$233,306.39. The close of business on the last day of any month is the most unfavorable time at which a statement can be taken as warrants are issued on this day for salaries and other appropriations which are paid in the course of the following month and the receipts into the treasury during the first week of any month are heaviest. A delay of only a few days would make quite a difference in the apparent financial condition of the State's finances.

The facts herewith presented, and more especially those pertaining to the State's finances, have been set out in much detail, in order that you may have all possible information pertaining thereto. As has been heretofore stated, all calculations and estimates are based upon the present plane of expenses with the normal increase that comes from growth. There is, however, another condition threatening, to which your attention should be directed. The states have conferred upon the Federal government authority to levy direct taxes to pay the expenses of government. There being no limits prescribed, the rate can be counted on to grow from year to year. The ownership of the public utilities by the government is now being sought. When this has once been accomplished, there will be removed from the State, insofar as taxation is concerned, properties from which about one-fifth of our entire revenues are derived. In addition to the revenue received by the State from this source, the counties and cities obtain fully as great a percent of their revenue. To remove these properties from our tax values would seriously disrupt our financial system. History has shown that the more the government ventures in the real business of the country, the greater will be the exactions for taxes from the people, and that the larger these tributes become, the more the states will look to and be dependent upon the Federal government. If this tendency is not checked, ere long the states will become the suppliant wards of a strongly centralized government, to be influenced in all matters political, by the recognition that is, or may be awarded. There are other considerations involved, in the tendency referred to above, of which it is not thought proper to speak in this place and time, but suffice it to say, the finest traditions of the Southland are concerned.

There will be maturing in 1920 the four percent funding bonds, amounting to \$954,000, for which you will have to make provision. This will be a good opportunity for the State to systematically commence the reduction of its bonded debt, by providing for the issuance of serial 20 year refunding bonds. The finances will be in good condition for the inauguration of this financial reform.

## TAX SYSTEM.

One of the most difficult problems of government is its system by which the necessary revenues must be derived. It should be the purpose of all methods to secure an equalization of the burdens of government, but up to the present time this ideal has not been obtained, neither does it seem as if it were to be accomplished in the near future, if at any time. One reason for this failure is that too great a concern is given to ways for increasing revenues and too little thought to the equal distribution of the burdens.

Our Constitution places many restraints around the law-maker, in arriving at the methods by which the State's revenues should be raised. Limits in the rates at which property may be taxed are also prescribed. It is well that such limitations have been fixed. The framers of our Constitution well understood the tendencies of legislatures and therefore circumscribed the taxing power within reasonable bounds. In view of this and the reluctance with which the people agree to grant additional authority for the purpose of obtaining a greater income for the State, it is unsafe to fix expenses with the expectation of future concessions in this respect. Our efforts must be confined within the bounds of present authority and our endeavors directed towards securing more nearly an equalization of the burdens on all property.

In Alabama only 60% of the true value of property is attempted to be assessed for taxation. This plan was adopted as a part of a general scheme of equalization. In a measure this result is obtained and the custom should be continued, especially in view of the fact that it is shown by the tabulated statement elsewhere presented, that the State's income at present is far in excess of its current expenses and that within a short time from this date the worrisome deficit will be paid and that thereafter the annual surplus for your disposal will be large. The Legislature of 1915 made radical changes in the assessment system of the State. Three years' trial during abnormal times is not sufficient in which to test its efficiency. If the present system is maintained there are needed changes for which you are referred to the elaborate report of the State Board. The State and county boards have worked faithfully and have done much towards bringing about an equalization of assessed values within the State and among the different counties. The work of the boards has been more confined to this phase of their duties than that of securing larger revenues. With aqualization naturally comes a greater aggregation of values, but this result was not the prime purpose sought.

Under the present law real estate is valued for taxation only every four years, except that the value of the improvements are taken into account annually, as changes take place. The general valuation was made in 1916 and will therefore not occur again until 1920. The property is listed by the county assessor and the values are fixed by the county board. The greatest objection to the present system is the cost to the counties. In sixty of the counties in 1916 this totaled \$135,256.38. In 1917 the cost to the same counties was \$135,361.76 and in 1918 \$79,511.21. This expense may be materially lessened by reducing the time in which the county boards are authorized to hold their sessions. This in many instances would reduce the efficiency of the boards. As a whole, the county boards have performed their work with diligence and with a desire to deal fairly with the property owner and with the State and county.

The expense to the counties in proportion to the increased revenue received by them seems large. This has, however, decreased as the work progressed and the boards became more familiar with their duties and with the property in the respective counties. In order to bring about an equali-

zation and maintain values of the same class of property in the different counties, there must be a system with a central head and the county assessing officer must be directly connected therewith and amenable thereto. If the property of each county is assessed and valued independently of every other county, with no authority to correct the inequalities, the lack of due proportion will become more flagrant with the years.

The State board has largely devoted its time and efforts to bring about an equalization of values in the different counties with those of the other counties and the county boards have endeavored to equalize the values within the counties. This plan of action produced good increases in some counties, while in such counties that were already rated towards the highest, the increased values were slight. Operation under this process by the county boards, increased values of property that had heretofore been assessed below that given to other property of the same class. It is believed that the disparity of values are much nearer correct at this time than they have been heretofore. The equalization feature of assessments is the most difficult part of the work. When the tax payer realizes that he will only be required to pay his proper proportion of the burden, he never complains, provided the State and county governments are operated on an economical and efficient basis. In addition to looking after and directing the assessment of real and personal property, the State board has the duty of assessing all public utilities. The larger part of these as you know are now in the hands of and are being operated by the government. While not owned by it, the taxes under the present arrangement are paid by the government as fixed charges. The taxes on these properties have remained practically the same since they have been under government control and operation. If these properties should become the property of the government, a serious problem will be presented to the states, as it is well known, government, state, county and municipal properties are not subjects of taxation.

#### HEALTH DEPARTMENT.

The history-making events of the last few months have brought to the attention of the world the realization of the true value of life. When hostilities opened in 1914 the most conspicuous man in community life was the man who had absorbed the largest amount of the world's produce. The German standard was that of temporal power. The American standard was that of accumulated wealth. When the German armies marched through Belgium and began to devastate Northern France, the world was awakened to a proper conception of values. The United States, when it entered the titanic struggle, found that the things it treasured most, while indispensable as an aid, was not adequate of itself to stay the onward march of destruction. We came to a realization of the fact that the Nation's chief asset was an upstanding, red-blooded, right-thinking, God-bearing healthy young manhood. When we began to take stock of our chief asset, we found that practically 40% of these young men were unfit for military service. We found that we had drifted for ages without realizing the economic loss which sickness entailed upon the Nation.

If the great struggle brings no other reward to the teeming millions of the world, it will have been worth all the blood and treasure it cost, if it directs attention to the Nation's chief values and enables those who have taken the lesson seriously, to work out plans by which these values may be preserved.

Science informs us, that the diseases which bring about the degeneracy of the race are preventable diseases, and also, that the diseases from which men die, are preventable diseases. While science has added twelve years

to the average of human life within the past generation, no serious effort has been made to preserve the lives of men during their productive period. The saving has been in the first five years of life, by the various efforts that have been put forward to take care of the infant life. If the span of three score years and ten be really the promise to the human race, that promise would imply three score and ten years of productive, active, vigorous life, and not one of pain and disease and vegetation.

In the light of the knowledge which has come to us through the medical science, in the last few years, it is not unreasonable to believe that a majority of the diseases which destroy the lives and usefulness of the people, can be eliminated.

The records disclose that in Alabama in 1917, 32,710 were ill of four of the most easily preventable diseases. These diseases destroyed the ~~lives of 2,883 people~~. This sickness and these deaths according to the average earning capacity of the individual citizen, caused a financial loss of \$18,885,000, which is nearly three times greater than the yearly income of the State. The estimate for 1918 is even greater. This estimate does not include the toll taken in recent months by influenza which brought illness to more than 200,000 victims, with a death roll of about 5,000, exclusive of those in military camps.

Of 101,855 young men examined for the army in Alabama 18,645 were rejected for physical disabilities. The data of all the registrants in this respect, is not at hand, but there is no reason to believe that the same ratio would not be sustained through the whole list of 400,000. In one regiment of those accepted for military duty, 54% were found to be infected with hookworm. This percentage is about as that found with the same infection in some regiments of the National Guard while they were on the western border. In another regiment 27% were infected by malaria. It was found that an unusually large mortality from measles and pneumonia was reported in these regiments. Measles accrued at a rate of  $2\frac{1}{2}$  times more among the men who had hookworm than among troops from other states which were free from it. Measles patients who suffered from hookworm were more susceptible than others to pneumonia and the mortality among these cases was appalling. The accumulative effects of these diseases upon the human race, from every standpoint, handed down from generation to generation through long periods of time, are more important than the death toll among our men at the front.

The war uncovered this problem for us and is one of the benefits that comes from misfortune, provided we avail ourselves of the lesson. The data shows that not a single county in Alabama is free from hookworm infection. No county is free from malaria. We are told that modern sanitation, if put into force, would rid Alabama of typhoid fever and hookworm in five years and that malaria could be reduced 50% by mosquito control. The reports show that the examination of school children in the rural districts has developed the fact that between forty and fifty percent of these are defective. In one school, located in one of the cities of Alabama, ninety percent of the children were found to have some physical defect, eighty percent of which were remedied. It is presented as a fact, that more than half of the defectives, when the defects are removed, take their places in their classes along with the leaders, when up to that time they had been regarded as dullards and in many cases, mentally defective.

These are both humanitarian and economic problems which science has not only developed, but point the way to their solution. The Health Department of the State is preparing for such additions to the health laws as will enable them to efficiently contend against preventable diseases, in every section of the State. We pay to protect our cattle, hogs and plant life from

diseases for economic reasons, yet, the loss to our economics from failure to protect our people from the ravages of preventable and communicable diseases, are much greater, aside from any contemplation of the humanitarian side, which cannot be reckoned with the material consideration of the question. Should we pay to prevent sickness, or shall we continue to pay our money to recover from sickness?

#### JUDICIARY.

The Legislature of 1915 undertook the work of reforming our court system. Through long neglect of the Legislatures, our judiciary system had become a patch work, which was proving to be a very expensive part of our government. With each recurring session of the Legislature, additional local courts were established under the plea that they would be of financial advantage to the State. This practice had been pursued so long that the judges and solicitors in some circuits had very little court business to engage their time. On reconvening after the recess, the Legislature of 1915 early in the session, agreed upon and adopted what is known as the Consolidated Court Bill. All local courts were abolished and the business of the chancery and circuit courts were consolidated and transferred to the circuit courts. The last act, however, which was necessary to complete the reform undertaken, and known as the recircuiting bill, did not reach the Governor's office until the closing hours of the Legislature. No opportunity was given to submit amendments which would be necessary, if the act was to be considered as a part of the reform legislation which had been undertaken pertaining to the court system of the State.

With no opportunity to inject into the bill the elements of reform, the Governor declined to give his approval to the recircuiting bill. While the old circuits did not provide an equal distribution of work, the circuits as provided for in the new bill, was no improvement in that respect, and besides, it created many additional judges. This would have made our court system more expensive than it was before the Legislature attempted its reform. The system as it stands, is quite an improvement on what it was, but the work of recircuiting should be taken up without delay, so that there may be assured a well-balanced and sound system that will give to the State what is needed to properly provide for its legal business.

As an aid to you in the consideration of this work, a tabulation is made of the circuits with the number of judges in each and the number of days in which court was held during the year, from January 15, 1917, the time when the new law became effective, to January 15, 1918, and also, the condition of the dockets. The inequality of the work in the different circuits becomes evident when you observe from the table presented, that the number of days in which court was held by one judge ranges all the way from 291 days to 30 days. The table shows that the average number of days in which court was held by each judge was only 115 days. The number of cases on the dockets were reduced during the time as follows: Criminal cases reduced 17%; civil 15% and chancery 10%. While this would indicate on its face that the courts as at present constituted are much more efficient than they were formerly and that the number of judges were in excess of the State's requirements, we have not the information necessary to make absolute an opinion as to comparative results. We have data, however, showing that the number of prisoners in jails were reduced 15% as compared to the previous year, the average number of days in which prisoners were confined in jail were decreased as compared with the previous year 22%.

No. of Judges.	Circuits	Circuit Court. Cases on Docket January 15, 1917.			Circuit Court. Cases on Docket January 15, 1918.			No. Days Court held Jan. 15, 1917, Jan. 15, 1918.
		Crim'l	Civil	Equity	Crim'l	Civil	Equity	
	<i>First.</i> Choctaw, Clarke, <del>Monroe</del>							
1	Washington -----	114	135	94	110	131	95	95
	<i>Second.</i> Baldwin, Butler, Conecuh, Crenshaw, Escambia,							
1	Lowndes -----	487	341	174	392	344	177	95
	<i>Third.</i> Russell, Dale, Barbour,							
1	Bullock -----	269	319	129	164	315	120	110
	<i>Fourth.</i> Bibb, Dallas, Hale, Perry,							
1	Wilcox -----	149	185	163	121	138	110	85
	<i>Fifth.</i> Randolph, Chambers, Tallapoosa, Macon							
1	Coosa -----	129	422	134	115	434	163	89
	<i>Sixth.</i> Fayette, Greene, Lamar, Pickens, Sumter,							
1	Tuscaloosa -----	338	443	223	266	394	195	291
	<i>Seventh.</i> Talladega, Shelby, Cleburne, Clay,							
1	Calhoun -----	381	495	237	213	471	268	281

No. of Judges.	Circuits	Circuit Court. Cases on Docket January 15, 1917.			Circuit Court. Cases on Docket January 15, 1918.			No. Days Court Held Jan. 15, 1917, Jan. 15, 1918.
		Crim'l	Civil	Equity	Crim'l	Civil	Equity	
	<i>Eighth.</i> Lawrence, Limestone, Cullman, Morgan, Madison -----	456	770	398	330	658	344	265
	<i>Ninth.</i> Cherokee, DeKalb, Marshall, Jackson -----	191	265	174	113	213	175	138
10	<i>Tenth.</i> Jefferson -----	1110	3915	1142	776	3544	850	1021
	<i>Eleventh.</i> Colbert, Lauderdale, Marion, Franklin -----	329	227	137	246	225	130	191
	<i>Twelfth.</i> Coffee, Pike, Covington -----	168	305	116	128	297	107	120
	<i>Thirteenth.</i> Mobile -----	29	637	584	523	57	295	241
	<i>Fourteenth.</i> Walker, Winston -----	258	320	93	168	290	205	202
	<i>Fifteenth.</i> Autauga, Chilton, Elmore, Montgomery ----	284	634	460	270	468	492	313
	<i>Sixteenth.</i> Blount, Etowah, St. Clair -----	172	398	149	170	333	178	267
	<i>Twentieth.</i> Henry, Houston, Geneva -----	189	389	153	95	320	174	118
	<i>Lee Circuit</i> -----	97	52	61	48	48	52	73
	<i>Marengo Circuit</i> -	136	91	34	49	69	41	30
33	Totals -----	5286	10343	4655	4397	8749	4171	4028

While the data as presented, reinforced by observations during the past year, would indicate that other reductions should be made in our judiciary, the situation should receive careful consideration, before radical changes are made. These are abnormal times and it is better that the judicial force be to some extent in excess of present requirements than to invite by radical action which might be in keeping with our present actual needs, a return of the old practice of creating local courts. A review of the whole court system, ascertaining what business has been transacted by each branch during the past three years will give you the information necessary to intelligently forecast the state's requirements for the next four years.

#### EDUCATION.

The dramatic incidents of the eventful four years from which we are now emerging, has not failed to impress the thoughtful mind more forcefully than ever before, with the importance of a highly efficient system of education. During the period from 1915 to 1919, great strides have been made towards placing ourselves in position whereby more substantial aid will be given to the cause. Heretofore, the State has almost alone undertaken to supply the funds for our educational system. This was not only an impracticable undertaking, but was embarrassing both to the State and to the system. The State could not give the needed support, neither did it permit the social units, or the school districts, to exercise their wishes pertaining thereto.

When the constitutional amendment authorizing the counties and school districts each to levy a tax, equal to that which the State was levying, was ratified, the bonds which had been holding our educational facilities in check, were broken. This action will not only give an impetus and prove of incalculable benefit to the educational interest, but will also in the near future, enable the State to provide for its many other interests in a more appropriate manner. After a few months the State will be relieved of the embarrassments under which it has labored for many years, that of a constantly growing deficit. The annual surplus thereafter, will enable it to join hands with the general educational interest in an aggressive and progressive attitude towards other needful improvements.

The promptness with which many counties have voted the three mill tax demonstrates that the people recognized the need of the school and is an expression of their willingness to carry their just part of the burden. The districts will next fall into the relief line, after it has been shown by experience that more funds are needed. When this has been done the public schools will have a fund made of a nine mills property tax. Some few school districts in the State have already levied this tax. It is a great responsibility that rests upon the educational department of the State to so administer this fund as to insure that a proper system is effective for its application and for its expenditure.

Under the terms of the Federal act, known as the Smith-Hughes Act, certain amounts are appropriated for aiding and encouraging vocational education. This appropriation is available to the states on condition that the State legislature provide equal amounts to be used in conjunction therewith. In order that these funds may be received and used in the State during the past year, arrangements were perfected of a temporary nature and a board on vocational training was appointed to act in connection with the general board and other necessary agreements were entered into. As stated, this was only a temporary agreement or one which extends only until the Legislature will have an opportunity to make compliance with the provisions of the Federal law.



## ILLITERACY COMMISSION.

The Legislature of 1915 created an illiteracy commission with the view of banishing illiteracy from the adult population of the State. No appropriation was made for this work. The expectation was that the movement would appeal to the good fellowship of Alabama's citizenship and that the necessary funds with the helpful cooperative spirit would be forthcoming. In this, the expectations of those who were in sympathy with the spirit of the act, were not disappointed. Splendid support has been given to this work from the beginning by the federation of women's clubs, and the success so far attained, in a large degree, is due to their sympathetic interest. The commission was formed by appointment, and it immediately proceeded to carry out the trust. Funds were subscribed by a generous public, and work was begun by teachers who volunteered their services, which were reinforced by many who were not engaged in the vocation. Day and night schools were formed throughout the State. The work was mapped out by the commission and carried forward under the direct supervision of its field agent. As a result of these efforts, thousands of those who had groped for years in darkness, as to what was going on in the world away from their own sphere of personal contact, were to a degree, placed in position where they could live with greater contentment and extend the horizon of their information.

The handicap to which this class was subjected was more forcibly impressed upon the minds of the public by the operation of the selective service draft act. After the first draft was made, it was ascertained that of the many thousands who were in the cantonments, there were great numbers who were unable to read, and therefore, however willing and eager, could not accept equal responsibilities with those who had received more liberal opportunities. Besides, these were soldiers upon whom much was dependent. They could not be relieved of military service, yet all realized this defect as an element of weakness in their armour. It was a great handicap to the individual soldier and thereby a weak point not only in the ranks of the army, but a serious impediment to a useful life. When the questionnaires were returned in preparation for the next draft, the location of those who were illiterate were easily located. With this information at hand an intensive campaign was put on by the commission to give thorough instruction in the rudiments, insofar as the agencies would permit. In this work, as it related to registrants who had not been called, the full cooperation of country officials and of the citizens generally, were enlisted. Among those already in the camps, perhaps, the greatest results were obtained. At Camp Sheridan, located at Montgomery, many large classes were formed and taught. The teaching force was made up of the most cultured ladies of the Capital City and adjacent sections. The teaching was done under the direct supervision of a representative from the Alabama Polytechnic Institute. The teachers were transported to and from the camp daily by the Women's Motor Service Corps of Montgomery. The work was pursued with the same precision and regularity as the military training and splendid results were achieved. There can be no stronger plea made in behalf of the public schools and for the compulsory educational law than the acute object lesson presented to us in the organization of the National Army.

## ELEMENTARY SCHOOLS.

The Legislature of 1915 enacted a modified compulsory educational law. This has had an encouraging effect, judging from the percentage in the in-

crease of attendance and enrollment. The enrollment of white children in the public schools for 1917 and 1918 was 366,451, or 79% of the whole, which shows a gain of 7% over 1917. The enrollment of negro children was 190,270, or 62% of the whole number, making a gain of 22%. It is interesting to note that according to the biennial school census of 1918 there was a net decrease of 5,171 in our school population. This result was made up as follows: White children of school age 465,987, showing an increase of 21,927. Negro children of school age 309,208, showing a decrease of 21,927 in two years.

There were 4,712 schools for whites and 2,009 schools for negroes taught during the year. There has been no substantial change in numbers from the previous year. Notwithstanding the number of schools for whites decreased by one, the number of teachers for these schools increased 699, giving a total number of 9,050, the additional number being required by reason of the increased attendance. ~~The number of teachers for the negro~~ schools were 2,716, an increase of 144, while the number of schools decreased 33.

Of the amount which has been expended by the State and counties for the public schools, \$4,157,063 has been paid to teachers, which was divided as follows: White teachers \$3,682,314 and negro teachers \$474,749. This shows an increase of 17% for the former and 19% for the latter, over the previous year, the greater amount of the increase having been used to pay the additional teachers.

The length of term of the schools has been extended but slightly. The average length of white rural schools is 123 days and for city schools 178 days. The length of time for the negro rural schools is 87 days and city 171 days. It would appear that the school term will materially lengthen in the near future. Where the funds and the children are available, it seems as if the ideal school year would be twelve months, divided into terms of three or four months each. It requires a long time to obtain the foundation for an education with only five to nine months term and with twenty days instruction to the month. This also would enable children who are required to labor and contribute support to themselves and their families, to attend school any three or six months of the calendar year, selecting such period, when their services were least needed at home.

The amount paid by the State for the public schools during the year closing September 30, 1918, was \$2,631,847.69, not including the aid given for the erection of rural school buildings. The total fund expended by State, counties and districts on public schools for the year, was \$5,725,772, which shows an increase over the preceding year of \$1,156,599.00. This additional amount was made up of increased payments by the State of \$190,613.86 and by local tax levies, to which the balance is largely the direct result.

The Superintendent of Education has made a thorough and exhaustive report of his department and you are referred to this for further and detailed information of the many subjects that pertain to the public school system.

#### NORMAL SCHOOLS.

To have an efficient system of education, provision was made to train teachers for the elementary schools. For this purpose there has been created six normal schools for whites, four of which, Florence, Jacksonville, Livingston and Troy, were made Class A and the others, Daphne and Moundville, named as Class B schools, the class distinction being based upon the character of the work done. There are three normal schools for

training negro teachers, located at Montgomery, Normal and Tuskegee. Training schools are recognized as being an essential part of the public school system and are so treated.

The normal schools are all under one board of trustees except as to the negro schools, and have been doing a splendid work along the lines for which they were created. Large numbers of teachers are annually trained, but the supply has been inadequate for the demands. Although the schools are open for twelve months in the year, they seem to be taxed to the capacity of their facilities and in order to enable them to meet the growing demands of our educational system, additional provisions will have to be made for their enlargement.

#### COUNTY HIGH SCHOOLS.

High schools have been located in fifty-seven counties. The counties provide the grounds and buildings and the State appropriates to each school \$3,000. This sum is usually supplemented by appropriations from the local governments. In addition to this, a fee of \$2.50 for each pupil is required. The total revenues of the county high schools for the last scholastic year were \$247,508 of which the State paid \$171,000. The enrollment of the high schools during the past year show a total of 6,103, or a decrease of 6% from the previous year. This has been caused by the pressing need for labor. The enrollment of girls increased while that of the boys decreased. The high schools are gradually growing in popularity and show increased attendance from beyond the immediate locality in which the school is located.

#### DISTRICT AGRICULTURAL SCHOOLS.

As is well known, these schools are located in the several congressional districts. It has been doubted whether the work done justified the money appropriated to them. The truth is the appropriation was not sufficient to enable the schools to do the work expected of them and they naturally drifted into local high school work. Many of them as well as other classes of schools had fallen into the habit set for them by the State, that of running behind in their finances. They are now practically all in good financial condition and are more nearly coming up to the purpose for which they were intended. The appropriation to each of these schools is \$4,500 annually. Under the Smith-Hughes Act they receive additional support amounting to about \$800.00 each, to encourage vocational work. With this assistance better training will be given in courses of vocational agriculture and home economics. In addition to the amount received from the State other funds are received from matriculations.

The agricultural schools should become more closely allied and coordinated with the Alabama Polytechnic Institute. If this were done and their efforts in vocational agriculture were limited to demonstrating the ideas advanced at the A. P. I., the different sections would receive greater benefit from the discoveries of science as it relates to agriculture.

The enrollment of the agricultural schools for the year 1917-18 was 1,585, of whom 1,139 were in the agricultural classes. The number of enrollment shows a slight decrease from the previous year. Similar to that of all the schools, the decrease is found to be with the boys.

#### ALABAMA GIRLS TECHNICAL INSTITUTE.

This institution has shown wonderful growth. No school in the State has been received with greater popular favor than the girls' institute at

Montevallo. Its enrollment is limited to the capacity of its accommodations. Being a girls' school, its enrollment has not been seriously interfered with by war conditions. The institute was established and is conducted on a broad basis. More than 1,000 girls annually are receiving instructions within its walls. The accommodations are sufficient to take care of only about 500 girls, but the school is maintained for twelve months of the year. The summer school for 1918 enrolled 296 girls and the training school 289, making the total enrollment for the year 1917-18 1,076 girls, in which 63 counties of the State were represented.

#### STATE UNIVERSITY.

Every citizen is gratified in the growth of interest and the increase in enrollment of the University, which has been taking place during the past several years. While the opportunity does not come to all to accept the advantages offered by this institution, there is nevertheless a pride in the ranks of our citizenship of its influence and in what it is doing for the general standing and welfare of the State. It is the State's duty to provide for its young men and women advantages just as good and just as available as can be found in any other of the states. That is the requirement which will make the State great and the one that will give pride to its citizens. To do this, the University must have support or else it cannot keep pace with the demands of the times, which are ever forward and onward. It is the average man, the man in moderate circumstances, for whom we must provide facilities for a liberal education. If the State does not make the opportunities for a higher education available for this class of our young men only a very small percentage of our population would be in position to obtain it elsewhere. If the State should fail in this, then she will fail ultimately in the reward that comes only from accepted opportunities.

The University of Alabama like all other institutions of higher learning throughout the country, has been seriously interfered with in its curriculum during the past and present year. The demands of war are exacting and all must contribute to its requirements. A large part of the young men who attend and make up its enrollment, are of military age and were quick to take upon themselves this first duty of citizenship. The places of those who were attending this institution at the outbreak of the war, have been taken by others who were drafted for military service and transferred to the University for special training in branches that will be directly useful to the government in pursuing its war program.

#### ALABAMA POLYTECHNIC INSTITUTE.

This is the State institution of higher education that has long been popular with the masses. Its purpose and its work have brought it in close touch with the material things of life. One is not only trained for life but is supposed practically to live the life with which he expects to come in contact after school days have been left behind. The direct influence of the A. P. I. is felt in every home, on the farm, and in all the vocations of life. The character of its instruction and training is best told by the rank assumed in every field of the busy world, by those who have here been favored by having received instructions at the Alabama Polytechnic Institute.

This institution is a land grant college and it is through this institution that the trust funds created by Congress for encouraging and aiding

special vocational work, are administered in Alabama. In carrying out these trusts, it is made to appear that the funds which have been appropriated by Congress and turned over to the State for the college, are funds to be used by it in the ordinary conduct of its affairs. The opposite effect, however, is often the result, insofar as the college finances are concerned. The greater the trust funds placed under its care the greater the drain upon its own finances.

The experiences of the A. P. I., in respect to the effects of the war, have not been different from that of other male colleges. Its capacity has been trained, however, in giving accommodations to the large number of the student army training corps assigned to it. In this work it has been of material benefit to the government. Conditions will soon become normal and the schools and colleges of the State will assume their usual work without interference.

#### ELEEMOSYNARY INSTITUTIONS.

##### INSANE HOSPITAL.

Alabama has just pride of the rank which its hospitals for the insane have taken when compared with similar institutions throughout the states. The expense to the State has been small when consideration is given to what has been returned. The two hospitals are under the direct control of one superintendent and a board of trustees, which is self-perpetuating. No department or institution of the State has had better management. Out of the maintenance fund provided by the Legislature the properties have been built up and extended. While the buildings and the facilities are not so elaborate as we would like for them to be, they are much better than we should have a right to expect from the allowance which has been made. The appropriation is \$15.00 per month for each patient, which has taken care of every expense. This amount, however, has not all been drawn by the management until the past few years when the prices of the necessities of life began to advance. At the present time the appropriation is wholly inadequate to satisfy the actual needs.

Besides the smallness of the appropriation to defray the expense incident to the high cost of living occasioned by the war the hospitals have suffered materially otherwise. Many male nurses were drafted for military service, while others sought more lucrative employment.

The records show a decrease of patients at the close of the year ending September 30, 1918, as compared with the previous year of 24% for the Bryce Hospital at Tuscaloosa, and 18% for the Mount Vernon Hospital. This is a noteworthy fact, while the result, showing a marked decrease in the number of inmates, is in keeping with that presented by other institutions which are on a per capita basis, additional significance should be attached other than that the expenses to the State for the current year will be less than it has been for many recent years.

There are quite a number of feeble-minded in the Bryce Hospital. This is only a small part of the total number of such unfortunates within the State. There should be an institution devoted entirely to this class of defectives. Many of them would be reclaimed under proper care and instruction, to the extent, that under the direction of an instructor many of them would contribute largely to their own support, and besides, there is a consideration due to the humanitarian side of the problem.

##### INSTITUTE FOR DEAF AND BLIND.

These institutions inspire in the visitor a sympathetic interest. The instruction is proficient, the management is good, and the results obtained

are surprisingly responsive and gratifying. From information, there are quite a number of children in the State who should receive the benefits to be had at this school, whose parents have not seen fit to accept the advantages which the State has thus provided. The instructions in the various schools are separate, but the buildings are in convenient proximity and are under the same general management. These institutions should be supported liberally so that these unfortunate children may continue to have the best opportunities that science and training can bestow.

#### DELINQUENTS.

##### BOYS INDUSTRIAL SCHOOL.

The Boys Industrial School, located at East Lake, was the first institution of this character to be established by the State. This was accomplished through the persistent efforts of some good ladies of Birmingham, who realizing the needs of the boys of the State, gave their time and energy, without remuneration, to the building of this institution to its present efficient and highly creditable status. It is a monument to the devotion of woman in the cause of humanity and the people of the State should ever be grateful to those who worked incessantly to place the industrial school for boys on such a permanent foundation. It has grown in usefulness and influence as the years have gone by and as the State has developed. The school had on September 30, 1918, 333 boys in charge, an increase of 9 as compared with the same dates four years ago. The number in charge on March 27, 1918, was 383, which was the greatest number that has been on the rolls at any time. It is maintained on a per capita basis, \$12.50 having been appropriated per month for each boy committed to the school, so long as he remains in its charge. The amount paid by the State to this institution during the past four years was \$219,912.53 as compared to \$154,237.50 for the four years previous. From a comparison of the four year periods, better ideas can be gotten of its growth and of its future requirements. In addition to the per capita appropriation, relief had to be granted to this institution during the four years to the extent of \$4,600.03. Practically all of this additional sum used would be classed as maintenance for its plan.

##### STATE TRAINING SCHOOL FOR GIRLS.

This school, while inaugurated in a modest way at the insistence of the good women of Birmingham, became a State institution in 1911 when the Legislature made an appropriation for the purchase of a home and for its maintenance. This appropriation for maintenance was \$12.50 per month for each inmate. In addition to this, there was an appropriation of \$50,000 made for buildings in 1915, subject to release by the Governor. The buildings originally occupied by the school were very inadequate for its needs and unsuited in every way for its purpose. During the last summer a new location was secured, with ample land and with splendid buildings. These required, however, considerable alterations to properly fit them for use by the school. The land and buildings were secured by an outlay of \$25,000. By agreement with representative citizens of Birmingham, that city was to raise the sum required for the purchase of the property and the State was to take it over and make whatever additional expenditures, from time to time, as became necessary to meet the needs of the institution. The City of Birmingham, however, only succeeded in securing \$18,000. The State advanced the balance of the purchase money and has expended about an equal amount, so far, in the rearrangement of the buildings. This institu-

tion now has a splendid location and gives promise of greater usefulness. On September 30 there were 63 girls in the school. The amount which the State has paid during the four years for maintenance is \$34,350.23. The old location has not been disposed of but should be, as it is of no service to the State.

#### REFORM SCHOOL FOR JUVENILE NEGRO LAW BREAKERS.

The beginning of this institution, like the two preceding ones, was begun in a modest way. Its inception was from the minds and through the acts of some beneficent negro women who had the vision and the earnest desire to benefit the boys of their race. One woman gave twenty acres of land and by united effort, a sufficient sum was raised for small buildings, which became the nucleus of the present well ordered establishment. It was established as a State institution in 1911, when the Legislature accepted the lands with the buildings upon it, and made an appropriation of \$7.50 per capita per month for maintenance and an appropriation of \$8,000 for buildings and equipment. Out of the maintenance fund and with the appropriation for buildings, the management has increased the land holdings to 500 acres, erected several substantial buildings and acquired stock, cattle and machinery. They have made of this a model training school for negro boys. The total appropriation for the past four years has been \$97,137.10. The number of boys in the institution on September 30, 1914, 131; in 1918, 290. The highest number in the school at any time was 371, in December, 1917. This shows the rapid decline in numbers taking place under the influence of present conditions. The management of this institution has been one of amongst the best in the State.

#### PENAL SYSTEM.

Before undertaking any particular work, it becomes necessary to have a clear idea of what is sought to be done, if progress is to be made. Some are possessed with the idea that the purpose in the administration of the criminal law is the avenging of society on the wrong-doer, or the infliction of punishment for the purpose of getting even with the criminal. It must be generally conceded, however, that the real purpose in the administration of the criminal law, is to protect society against the commission of crime. In order that this may be done, it becomes necessary that an offender against the criminal laws should be held until it is safe to society for him to be released. That is, that he has shown by his conduct while in prison, taken in connection with his former life, and the nature of his offense, that he is ready and equipped to again become a part of the social system, and after his punishment has been sufficient to likely deter others, who may have similar inclinations against the commission of crime.

Punishment for the violation of the criminal laws, when based and construed in accordance with the above idea, places a great responsibility upon the administrator of the penal system. Whether originally intended or not, Alabama's laws pertaining to its prison system, if logically construed, are constructed on that basis, with the Governor as the administrator. The culprit, in effect, is given an indeterminate sentence to prison, with the maximum of his term fixed, and it must rest with the prisoner whether or not he may regain his liberty before the expiration of his maximum term. It is easy to evade the responsibilities fixed by the law and incidentally, the enormous work involved in this department of the State, by taking the position that the courts and juries had already determined the guilt and punishment, and that the verdicts should not be interfered with. Some

people are possessed with the idea that juries never make mistakes and that courts are invariably possessed with the same equanimity, free from the petty vexations and influences to which official life seems heir. If one should make a study of the records of the thousands who are convicted, he must be convinced that there can be no such truth as an even-handed justice. In the same courts will be found sometimes the greatest inequality in punishment and to say that there should be no interference, is an assumption that can be based only upon bigotry, ignorance or prejudice.

It is not often the case, however, in the exercise of clemency, that the length of sentences which have been given, are taken into consideration. The former character of the defendant, the facts pertaining to the crime for which he was convicted, his demeanor since he has been a prisoner and the length of time he has served, are the salient considerations in determining what action would be most beneficial to society. The penal law as it stands is neither positive nor mandatory, but it places the authority and with it must go responsibility. No other reasonable construction can be placed upon the laws controlling the prison system of Alabama and none other should be permitted to prevail.

#### PAROLES AND PARDONS.

Many paroles have been granted during the past four years, and it is safe to say that others would have been issued except for the inability to give study to their cases. These have been made up of two distinct kinds. The definite, i. e., the parole with a fixed time of expiration, which is in the nature of a furlough, and the indefinite, which is conditioned on future observance of the laws of the State and good behavior, with such additional conditions as may be thought applicable to the particular subject. The law provides for certain discounts from the maximum sentence for good behavior. Paroles are sometimes issued to professional crooks before the expiration of their short term, in order that the long term may be held against them, should he again resume his former life. In some instances the paroles offered have been declined. It is remarkable the small percentage of those paroled who have been reported as violators of the conditions imposed upon them. A violator, however slight his infraction, has never received the second consideration. Comparatively few pardons have been granted. These are generally based on wrongful conviction or the innocence of the defendants, except in cases of the restoration of rights, which embrace entirely different ideas.

#### THE CONVICTS.

The State had 2,453 convicts at the close of the fiscal year against 2,705 on September 30, 1914. These were contained in 14 camps, of which four are mining, six turpentine and one lumber camp in addition to the three long established camps at Wetumpka, Speigner and No. 4 Farm. Two of these contract under which the convicts have been worked during the past three years expired on December 31, 1918. The convicts who were formerly worked under the contracts that have just expired, were transferred to other camps, to work under contracts existing at the time but which were short of the number that the State was expected to maintain in the respective camps. At the present time there are only 10 camps. The expiring contracts barely paid the cost of maintenance under present conditions, as they were made during the time of the greatest depression. The expiration and transfer referred to will affect favorably the earnings of the



convicts during the current year. A much larger number of the convicts were on similar low priced contract work previous to 1918, but at different times during the year new contracts were made, the difference in the terms of which are reflected in the increased earnings of the department.

The convict department had in charge on September 30, 1914, 2,705 convicts; on September 30, 1915, 3,079 convicts; on May 1, 1916, 3,269, the greatest number on hand at any time; on September 30, 1916, 3,107 convicts; on September 30, 1917, 2,887 convicts and on September 30, 1918, 2,453 convicts. The largest numbers were received during the years of greatest depression and were comparatively short term prisoners, many of whom, under ordinary conditions, would have been sentenced to hard labor as county convicts. The unusual number of convicts committed into the penitentiary during the years of 1915 and 1916 worked a serious burden upon the State. No gainful work could be secured for their employment, but maintenance cost being comparatively low, permitted the department to make a fair showing on earnings, regardless of its many drawbacks. The amount which the department has paid into the State treasury in excess of the amount drawn out during the four years closing with September 30, 1918, was \$2,141,662.17. The amount paid in for the last year above expenses was \$775,077.30, which only to a slight degree reflects the present economic condition.

It is realized that the amount of excess cash paid into the treasury above that which was drawn out for expenses does not necessarily represent the measure of profit. In this particular instance, however, the property has been well maintained and the improvements made in the plant and machinery will more than offset the account for depreciation. The accounting system of the department is thorough and the expenses have been kept to their minimum. The cost to the State of maintaining a prisoner was no greater for the year of 1918 than is shown by the records of what it was in 1914, or for previous years, notwithstanding the high cost of food, clothing and shoes. The morale of the prisoners in the different camps has been good, notwithstanding the world was in foment on the outside of the prison. Several of the camps have suffered severely from the scourge of influenza, which has resulted in 50 deaths, 22 of which were in one camp, Aldrich, where the epidemic assumed a more malignant form. The camps that were affected closed their operation for many days and this decreased the earning of the Department for October and November.

Our outlook is for larger earnings by this department for the year ending September, 1919. The net earnings for the last six months of the last calendar year, that is, July to December, both inclusive, were on the basis of \$1,046,000.00 per year. The earnings for the first three months of the current year, October, November and December were on the same parity, except for the lost time caused by the epidemic, heretofore referred to. The difference in the earnings, however, on the contracts expiring December 31st and the contracts under which the prisoners will work the balance of the fiscal year, will make good the loss of revenue for the time in which operations were interfered with.

The department which has in charge this important branch of the State government has had its own problems and unfavorable conditions with which to contend. The rapid increase of convicts at a time when no employment could be procured for them, had an unfavorable effect upon the net earnings at the beginning of the four year term. Contracts were finally secured for the additional convicts, but at prices that paid little more than the cost of maintenance. When prosperity began to return a decrease in the number of prisoners began to appear in the monthly receipts. When prosperity first returned it caused a material advance in the cost

of maintenance without any favorable effects on gross revenues. With the expiration of one old contract and with the steady increase in the earnings of the cotton mill at Speigner, the net revenue began to be more satisfactory. During 1918, when other contracts which had been in existence for several years expired and new agreements were made, the results began to improve as shown by the net profits for 1918. The earnings were much greater for the last three months of the fiscal year than they were during the preceding three of nine months.

Referring to our penal system, it is interesting to note the great number of prisoners confined in the jails during any given year and compare them with the number of convicts sent to the penitentiary. In 1918 there were confined in the jails 16,456 prisoners, while the State received only 473 convicts, the balance being fined, sentenced to hard labor for the county or discharged. The number of prisoners confined in the jails during 1918 shows a decrease of 39% in numbers as compared with 1915, while for the same time there was a decline of 62% in the number of convicts sentenced to the penitentiary. Classifying this result we find the decrease in white male prisoners for the year was 32%, for negro men 47%, for negro women 7%, while white female prisoners showed an increase of 13%.

While we are grappling with the difficult problems of State, we should not overlook this important and necessary department. We should cherish and aim at an ideal in the system that is worthy to strive for. At the present time the earnings of the department can not be diverted from the channel of the State's financial needs, but the time is near at hand when a large part can be used for rebuilding and enlarging its permanent camps. The Speigner prison should be reconstructed with the view of finally taking care of all the convicts of the State. The plant at Wetumpka is out of date and expensive. It is too remote from all the facilities that become necessary to efficient operation. In connection with the plant at Speigner, the State has a tract of land extending to the river. The power on the river should be utilized by the construction of a power plant, and the utilization of this power should be looked forward to for the industrial development of a complete convict village at Speigner. In this way gainful employment can be secured for them, and at the same time they would all be confined into one well appointed enclosure. The opportunities for the successful exploitation of this scheme are broad enough, both from a humanitarian standpoint and that of financial results, to engage the serious concern of those who may carry the responsibilities when the opportune time arrives.

#### AGRICULTURAL DEPARTMENT.

The records of this department for the past four years, in a measure, is a reflection of the economic condition which has prevailed in the State. There has been a complete reorganization of the system of agriculture during the period covered in this report. It has been changed from a one-crop plan to that of a general interest in all subjects of agriculture. This was a change that had been long advocated, but without heretofore appreciable success. The year 1914 was our last big cotton crop and it was during the fall of that year that the cotton grower was hit so hard. In 1914 Alabama produced one and three-quarter million bales of cotton and in its production bought the greatest amount of fertilizer that had ever before been used. The following year, 1915, the size of the crop was 35% less, and the sales of fertilizer were reduced to 50%. Since that time the receipts of the Agricultural Department have been gradually increasing, but are yet behind what they were in 1914, more than one hundred thousand

dollars. The decline in the amount of fertilizers used, is indicative of the shrinkage that took place in all lines of industry, during the period of depression and which has prevailed for the greater part of the last four years.

The total receipts of the Department of Agriculture for the year just passed were \$122,309.53 and was made up as follows:

Received from sale of fertilizer tags-----	\$ 86,970.00
Registration of brands of fertilizer-----	4,430.00
Bulk fertilizer and miscellaneous-----	964.97
License from dealers-----	804.00
Sale of feed inspection stamps-----	22,020.56
Registration of feed brands-----	1,920.00
Merchants' license-----	200.00
Total-----	\$122,309.53
Expenses of conducting the department-----	30,602.39
Leaving a balance of-----	\$ 91,707.14

The Department of Agriculture and Industries has been more affected by the happenings of this last four years than almost any other one department of the state. Its revenues from the sale of fertilizer tags, not only precipitately declined 66%, showing the discouraging condition existing at the time, but direction had to be given to the evolution in agriculture which was evident must take place. The results that have been obtained, not only reflect commendation for the department which has exercised its fostering care, but also acclaims united praise to that great body of yeomanry, for the zeal and perseverance displayed by them, in surmounting the discouraging conditions with which they were confronted. This part of our industrial life has displayed wonderful recuperative powers. They not only fed the State during the crisis, which is now rapidly approaching a finality, but they have contributed largely to the needs of others, both in food and material for raiment.

#### KINDRED SUBJECTS.

It was foreseen that if success was to crown the departure of the agriculturist from the well trodden paths they had heretofore pursued, in which their entire energies were given over to the production of the one crop, some general aid must be rendered for destroying the enemies that were threatening to other branches of agriculture. The cattle tick had made the general raising of improved cattle impracticable. To eliminate this handicap, the Legislature made an appropriation of \$30,000 per annum for four years. There has been used of this fund \$76,664.60. The quarantine against this parasite has been raised in 43 counties in Alabama, leaving a balance of 24 counties, or 31% yet infected. The remaining counties contain 17,816 square miles, or 35% of the total area of the State. Great progress has been made during the past four years and the policy of extermination should be vigorously pursued until Alabama has been entirely freed of this parasite. The inspection of the border line in the tick-free sections will continue to be a source of expense and annoyance, so long as we may have any infected counties. The riddance from the State of this pest will be a great achievement. It will result in great benefit to live stock raising, and to the general agricultural interest as a whole. For a considerable period the world will have need particularly of a larger supply

of live stock, and we should not fail to adopt every feasible means of economically producing Alabama's share.

The hog industry has grown rapidly in the State since 1914. It has been demonstrated that they can be raised as cheaply in Alabama as in any known place. There is one great handicap to hog raising, however, and that is cholera. To assist in the fight against this disease, the State established a serum plant in 1915 at Auburn, under the charge of the State Veterinarian. The appropriation for the plant was \$20,000 and for maintenance \$2,000 per annum. The plant has been the means of keeping the price of serum reasonable. The effort should be made, however, to eradicate this disease from the State, so as to remove this menace entirely from **this profitable industry.**

In the Gulf counties there has been great development of the citrus fruits. The enemies to plant life, which had been introduced into America from foreign countries, were threatening the life of the fruit industry, more especially that of the citrus fruits. The Legislature of 1915 made an annual appropriation of \$5,000 for the Board of Horticulture. Its work is done in connection and in cooperation with the National board, and beneficial results have been accomplished.

#### COUNTY GOVERNMENT.

Our county governments have suffered by reason of having no administrative head. The commissioners are chosen to legislate and to look after the affairs of the county with little, if any, fixed responsibilities. In a great majority of the counties they are in session at long intervals and it is impossible for them to give the attention to the needs of the county that one man could, who was ever watchful at his post. The judges of probate, in so far as their relation to the commissioners courts are concerned, are only the clerks of the boards, but authorized to vote in case of a tie. So far as the general welfare of the county is concerned, he is charged with no particular duties and carries no responsibilities other than accounting for the license and other monies received by him for the State and county and keeping the records. In addition to this, he is required to hold county court, but he, or no one else has charge of, or is responsible for the general welfare of the county in an administrative capacity.

If the Legislature would give thought to reforming the laws for county government, no doubt great improvement could be brought about. The plan should be based somewhat on our aldermanic form of municipal government. This would require little change from its present status, insofar as our Legislature is concerned, but it would give the judges of probate more authority and place upon them more responsibility.

The present financial condition of the majority of the counties should inspire a desire for a change of the laws in some respect, so that responsibilities for conditions may be concentrated and fixed. A liberal majority of the counties are in debt up to the limits of the Constitution, and some few of them have exceeded this limitation. This indebtedness has been incurred largely in highway construction. Some counties have issued bonds which can be done only after being authorized by a vote of the people. This is the plan contemplated by the Constitution, where money is needed for improvements in excess of what can be spared from the general revenue. Where this plan has been pursued exclusively for the procurement of money on time obligations, the indebtedness of the counties are within the bounds of the Constitution. There is, however, another plan used in obtaining funds on time obligations, and that is, the issuance of interest-bearing warrants, payable many years in the future. This can

be done without submitting the matter to a vote of the people and for that reason, is more often resorted to these days for raising money than by bonds. These warrants generally draw a higher interest than would be required on bonds, and often are issued to contractors in the payment of work, and for these reasons alone the practice has proven expensive and unsatisfactory.

The intention of the Constitution makers, no doubt, was to prevent the counties from incurring obligations beyond what could be paid in a reasonable time out of the annual revenues, unless, it has been first submitted to a vote of the people of the county. The law makers evidently did not anticipate the ingenuity of the present day developer in his search to discover ways of circumventing obstacles in the path of securing funds, or else they would have used a different term in framing this limitation. This defect may be cured by legislation.

Counties which follow the practice of issuing bonds, usually make them all payable at one time, from 20 to 30 years in the future and when they fall due reissue them. If the general law in reference to the issuance of bonds, applicable both to counties and municipalities, should provide, that only serial bonds could be issued, whereby a certain percent of the total issue would be paid annually, a more healthy financial condition of both the municipalities and counties, would finally result. Besides, such a policy would be looking to the future and making preparation for unforeseen exigencies. It was in 1915 and 1916 when we had such great depression. No employment could be secured for the laborer whereby he could procure a living wage. Stagnation existed in every branch of industry. Thousands of our laboring people left the State seeking employment. The cities and counties of the State were tied up practically to the limit with time obligations, and therefore could not undertake other than the usual routine work, such as might be permitted by their current revenues. If the policy of systematically retiring all time obligations had been in vogue, it would have been entirely practicable through the sale of bonds, for the social units of the State to have undertaken and carried forward developments and improvements of their highways and streets, on such an enlarged and general scale as had never before been contemplated. The improvements would have been made at low cost and labor would have been retained within the State to be utilized after the return of prosperity. We will not always have with us conditions that make for prosperity and law makers and administrators should seek to equalize the extremes in our economic life which have come periodically in the past and which will not pass us by in the future. By wise and conservative legislation, we may greatly ameliorate the extremes that occur from time to time.

#### HIGHWAY COMMISSION.

Transportation facilities are the measures of the relative growth and expansion of every locality. This one idea, if successfully carried out, will give any community prestige and supremacy over others that fail to recognize the principles involved. It is the expense incident to the distribution of our products, that in a large measure determines the returns from our endeavors and is a factor which involves success or failure. The part of the distribution cost that is incurred by the haul over the highways, is often not taken into account. More especially does this neglect apply to farm products, where cost factors are not systematically located. There should be a continuous effort on the part of communities, to lessen this cost of distribution that lies at our door, because it is a vital part of the burden on production. To develop the State along this idea was the controlling factor in the establishment of the Alabama Highway Commission.

This department was established in 1911 and since its organization there has been 5,902 miles of highway constructed. The State has 45,892 miles of roadways over which the greater part of its products are transported for varying distances and this part of the expense adds materially to the cost of production. The lessening of this hauling, wherever practicable, is an improvement that is worthy of the serious concern of every community, because every individual who has a fixed habitation, is affected in some degree, by the transportation facilities of his own particular locality.

There were 3,780 miles of improved roadways in Alabama before the Highway Commission was instituted, making only 9,682 miles that have been improved of the total mileage in the State. This is a great work before us. Let us see what is being done at this time.

For the year ending April 1, 1918, there were \$1,454,020.29 paid in the State for the construction of the highways, outside of maintenance, which was expended as follows:

Amount spent by the State and counties jointly on State trunk roads -----	\$ 102,017.29
Amount spent by the State and counties jointly on State aid bridges -----	12,478.85
Amount spent by counties (no State aid) -----	1,057,438.71
Amount spent by counties on bridges (no State aid) -----	282,085.44

Total spent on building roads and bridges for 1918 ----- \$1,454,020.29

This was a much less amount than was spent for this same cause during preceding years, prevailing conditions having checked for the present this development. In addition to the above, the data at hand shows that during the year ending April, 1918, \$847,078.68 were spent for the maintenance of roads and bridges. This brings the total amount paid out by the State and the counties during 1918 for road improvements \$2,301,098.87. During the past four years the amount spent was \$14,032,366.54. The amount spent during the preceding four years would be even greater than this sum. To the above sum should be added the cost of maintenance but no record has been kept of this except for the past two years, which amounted to \$1,059,537.01.

This looks as if the people were really alive to the desirability and importance of this improvement. If one should ride over these improved highways, for which this respectable sum has been spent, he is likely to come to the conclusion, insofar as it relates to a majority of the counties, that the people were imbued with the idea that it was only necessary to spend the money in the construction of roads in order to possess them, for little attention or care seems to have been bestowed upon them afterwards.

While some very few counties realize the importance of maintenance, and have in effect good maintenance systems, the majority of them have none at all, and as a consequence, the work of road improvement is confined almost wholly to original construction or to reconstruction. There has been a great waste over the State in this particular. Alabama can never have good roads without a good maintenance system. In fact, this should be the first part of road building developed. A good maintenance system means a slightly better highway each year. This kind of a system would of itself finally result in a good highway from a bad road.

The absence of proper maintenance comes from a laxity of our system, or the absence of it altogether. The many neglects of road building, after we had become interested and aroused to its importance, may have caused

us to act hastily and unwisely at first, but it seems the time has come when we should take a reckoning of our status in this particular. Stringent laws requiring percentages of the cost of construction to be set aside as a trust fund, to be used only for the maintenance of the particular road to which it relates might remedy the defect. A provision of some kind should certainly apply to roads constructed by funds derived from future obligations of counties whereby there would be conserved a fund to protect the investment of the county.

The requirements of the Congressional Act which grants Federal aid to the states for the construction of roads, has been complied with to the extent, that Alabama has been accorded the full privilege of participating. This privilege only extends through the present legislative session. The arrangement made was only a temporary expediency and you must now take positive action, in order that the State may continue to receive its apportionment.

Alabama was among the first of the states to qualify itself to participate in the distribution of the fund provided by the National Government to encourage and aid highway improvement. She has also kept pace with the best of the others in developing projects, that have received the approval of the department which has the supervision of the Federal fund. This result has been due to the intelligent activity of the Highway Department. A careful reading of the last report of this department, extending from April 1, 1917, to April 1, 1918, is commended.

#### PRIMARY ELECTIONS.

Political parties are formed for the purpose of promoting certain principles in governmental affairs which, in the opinion of the adherents of the different parties, will bring to the whole body-politic conditions that will prove more nearer the ideals for which a democracy is striving. The well-being of society in general and its future welfare was originally the idea which concerned the advocates of principles embodied in the platforms of political parties, and incidentally, the distinction that comes from success. Political organizations in those days were controlled through conventions which were regulated by rules made and promulgated by the party in convention assembled and enforced by the officers of the organization. All nominations of candidates representing any particular faith or party, were made through conventions composed of representatives of the party. This was during the time when we were adhering to, and considered that representative government was the most suitable method by which the interest of the people could be best provided for. It was during the time when principles swayed the individual voter to a greater extent than the personality and interest of the candidate.

The plan of having conventions to present candidates representing the views of the party, has gradually given way to what is known as party primaries. This step was taken that each individual voter within the party might have the privilege of casting his vote directly for the candidate of his choice, thereby doing away with the intermediary of a representative, who formerly performed this service in the conventions. The primaries as we have them now in this State really amount to the same thing as the general election, because there is only one well-established party and its nominees made in primary elections, are uniformly successful, except in a very few counties of the State. When the primary system was first introduced into our political organizations, they were controlled by rules and regulations laid down by the party organizations. As the custom of holding primaries continued, however, dissatisfaction arose, growing out of

charges of unfairness that may have been practiced in certain elections, and legislation was demanded in order that each party man would be guaranteed the same rights and privileges as extended to others. Today the control of party elections has been regulated by stringent laws, almost to the same extent as the official elections, which finally determine who is entitled to the different official positions within the State and counties. While we have adopted general election laws and have permitted them to remain unchanged for years, we have never seemed to be content with any primary election law that has been adopted. Our primary laws are changed almost as often as the Legislature meets, and yet many complaints are registered as to the inefficacy of the present law. A law based upon fairness and justice to all instead of one seeking factional advantage would give satisfaction to the public at large.

In 1915 the Legislature adopted an entirely new law. It was quite a departure from any that had heretofore been operative in the State. Many of its important features were borrowed from another State, which was just at that time preparing to discard the features which had been adopted by Alabama as unsatisfactory, after a few years trial. The first general primary election held in this State after the adoption of the present law warns us that the new features which have been introduced into the Alabama primaries will prove unsatisfactory and that if retained long may result in disaster to party organization. There were many independent candidates in the counties seeking important offices in opposition to the regular nominees, as declared by the result of the primary election. Some few of the opposition were successful and many of them received splendid support. It is the county offices in which the people are most directly concerned. They are closer to the people of the respective counties and the personnel in the administration of these offices affects them more directly than does the personnel of the State's offices. We should, therefore, in arriving at a solution of this question be guided by a knowledge of what laws will prove more satisfactory to the people in the several counties of the State for the election of their county officials.

One of the freaks of the present primary law is its failure to properly protect the ballot after it has been deposited in the ballot box. After so much painstaking to insure that the voter may not be unduly influenced in making up his mind as to whom he shall vote for, and then fail to provide a manner in which a remedy can be applied, if perchance his vote should not be preserved as cast by him, is a reflection which no party of high principles should desire to be responsible for. The first concern of those who are charged with the duty of constructing an election law should be that of providing for the sacredness of the ballot. There should be no division of opinion upon this fundamental principle. After that has been accomplished is time enough to engage our minds upon other matters incident to campaigns that may have occurred prior and up to the time of elections. Our present primary election and registration laws have quite a number of features to command the earnest attention of the Legislature. There are restrictions that work to the great inconvenience of the voter which have no apparent virtue except to afford opportunities to the unscrupulous.

#### BANKING DEPARTMENT.

The banking interests of the State are in splendid condition. The number of State banks in operation are 239, with 21 branches. The combined capital and surplus of these banks were on December 1, \$18,300,-664.11, with resources of \$106,177,485.90. During the past year five banks have taken steps for voluntary liquidation.



The superintendent of the department had recommended the following amendments to the banking laws of the State, which meet with my concurrence:

1. "The act creating this department does not provide for a bank to voluntarily liquidate. In my opinion the act should provide ways and means for a bank to voluntarily liquidate, without being taken over by this department, and incurring the expenses incident thereto."

2. "Section 10 of the act provides that funds remaining in the hands of the Superintendent of Banks, uncalled for, be placed in some State bank, at interest, to the credit of the Superintendent of Banks, in his official capacity, in trust for the several depositors in, and creditors of, the liquidated bank from which they were received. The act does not limit the time such deposits are to be held, and as you will note above in the case of the Peoples Savings & Investment Company, the deposit has been held for nearly five years. In all probability, this fund will never be called for, and in time such deposits will become a burden to this department to keep track of, as well as to the banks that hold the deposits. It is my opinion that after the funds are held from three to five years, the same should be certified into the State treasury, and machinery should be provided through which the depositor may get his money if he should ever demand it."

3. "Article 10 of Chapter 69 of the Code provides that all corporations organized and operating as trust companies shall be amenable to the banking laws, and provides that they shall be examined by the bank examiners. The Attorney General holds that since the act creating this department was passed subsequent to the Code, that this department has no supervision of trust companies, unless they are doing a banking business. For this reason, there is no supervision now of trust companies in Alabama. In my opinion, the Legislature should have their attention called to this defect. Now that trust companies in most of the states are under the supervision of the banking department, in my opinion, it would be wise to better regulate such concerns and have them examined by this department."

4. "Since national banks are specifically authorized to accept customer's drafts, in my opinion, a law authorizing and regulating such acceptances by State banks should be passed by the incoming Legislature."

#### ARCHIVES AND HISTORY DEPARTMENT.

The activities of the Department of Archives and History have been regularly conducted on the high plane of efficiency, which has obtained with that department from the beginning. It is believed that no department of the State government has better justified the many encomiums of praise which it has received, both from students and thoughtful observers abroad, as well as from our own people. It has not only met the many exacting demands of the original act of establishment, and of the subsequent enlargement of its functions and activities, it has also become a model for those states which are undertaking to meet the duty of their archives and history work through separate departments of State.

The work of the department has grown in a wonderful way since its establishment February 27, 1901. For the better accomplishment of its object, its activities are subdivided into the following groups or divisions: archives, historical and reference library, gallery, museum, library extension, anthropology, natural history, and a research, extension and reference service. The archives represent the entire collection of non-current public records of the State, centralized in one collection, all carefully organized and made immediately available for use. They are constantly in demand by students and business men alike. The historical and reference library

is one of the most complete collections in existence in the field covered. It is particularly rich in Alabama literature, U. S. Government publications, State official documents, history, biography, genealogy, the social sciences, bibliography, periodicals, newspapers, and general reference works. The collections of the gallery and museum are unique, including hundreds of portraits, and other illustrative materials, aboriginal objects, pioneer relics, war relics, flags, banners, costumes, etc. In the field of natural history the birds, the mammals, and the reptiles of Alabama are excellently represented. Many objects illustrative of the industrial life of the State have been assembled. The library extension activities of the department have shown marked advance.

The service in the division of research, extension and reference, is remarkably illustrative of the value of a helpful and sympathetic agency in every form of State activity. Reference is made to House Joint Resolution of September 25, 1915, in which unstinted praise is accorded the department and its staff for its reference service. The department, with its growth of equipment, is in a position to render even better service during the current session, and wholly without cost. Your failure to make use of this service will be a definite loss in the performance of your difficult labors.

The most recent activity of the department is the collection of personnel records and memorials of Alabama and Alabamians in the European War. I have elsewhere spoken of the conspicuous record of our State in this great world struggle. Our pride would not be properly justified if we were to fail to properly care for the records in detail. This duty the Department of Archives and History is, I believe, fully meeting. It is undertaking not only to compile the records of our volunteers, of our men secured through the selective draft, and the officers and men of the regular army, it is also undertaking to gather data as to the activities of all military units operating in the State, of Federal agencies, such as the food administration, and of welfare agencies, such as the Red Cross, etc. The Director of the Department is State War Historian of the Alabama Council of Defense. Doubtless recommendations will be made looking to some definite assistance in aid of furthering the work of completing these records, and if so, you should give any reasonable proposals your support.

The department should be given still greater general opportunity for expansion and enlargement. It has demonstrated its value. The call for space is imperative. While no opportunity for the enlargement of the capitol exists, some additional accommodations can be provided by a small appropriation to fit up the attic of the south wing for storage. All of its existing appropriations should be maintained.

#### CONFEDERATE PENSIONS.

For almost fifty years the State has in some form provided relief for needy Confederate soldiers and sailors and their widows. From a small beginning the volume of such relief has increased from year to year until at present large sums are annually expended in that behalf. In the financial statement, forming a part of this message, will be found details of such expenditures. The special relief afforded by the Confederate Soldiers' Home will be found noted specifically under the reference to that institution.

The pension business of the State is administered by the Alabama Confederate Pension Commission and office of the State Auditor. The commission is an ex officio body, composed of the Director of the Department of Archives and History, the Attorney General and the Chief Examiner of Public Accounts. It is provided that it shall be the duty of the

commissioners 'to have full control and supervision of all pensions allowed by law to soldiers and sailors in the service of the State of Alabama, and to their widows, and to the soldiers and sailors in the Army or Navy of the Confederate States of America, and to their widows, and to do and perform any and all acts whatsoever, and to have all such powers as are necessary to the full execution of this act.' All disbursements are made by the State Auditor, through the assistance of a pension clerk, who is also the secretary to the commission. Prior to the present law, which was approved September 25, 1915, the Confederate pension system consisted of one State board of three members appointed by the Governor, and one local board for each county. As is known to you, there was considerable criticism, whether or not just, it is not material to here inquire, and many names had been stricken from the rolls, and some sort of relief was urgently demanded. The last Legislature met the demand by the complete reorganization of the law, approved on the date above indicated, in which was provided a fair and just settlement of the claims of all those who had been stricken from the rolls, and at the same time establishing a new system for the admission of new applicants for relief.

So far as I am advised, and I have made careful inquiry in many quarters, the effect of the law of 1915 has been all that could be desired. At its first meeting in 1915, the commission spent many weeks in reviewing hundreds of cases for relief, practically all of which it is believed were adjusted in a way satisfactory both to the applicants and to the State. This meeting and the subsequent meetings of the commission have involved considerable sacrifice on the part of the members, but, be it said to their praise, they have entered sympathetically into the spirit of their appointment, and as a result, there is general gratification at the operation of the law.

#### CONFEDERATE SOLDIERS' HOME.

In addition to the relief afforded our needy Confederate Veterans and their widows, through a liberal system of pensions paid quarterly from the State Treasury, the State has provided a Confederate Soldiers' Home. It was founded by Capt. J. M. Falkner and taken over by the State by Act of October 6, 1903. It has since received the fostering care of succeeding Legislatures. Many worthy men and women have found here a sheltering home in their last years. The Home is located at Mountain Creek.

Because of the increased cost of all of the necessities of life, it is to be regretted that the per capita heretofore made for maintenance has been inadequate for the support of the Home, and I have felt called upon therefore to make a monthly allowance of \$100.00 out of the Governor's contingent fund as a supplement for maintenance. This allowance dates from June 5, 1918. In addition I have also expended from the same fund \$635.52 for needed repairs and improvements on the buildings and grounds. This condition calls for relief, and it is respectfully suggested that the appropriation be increased to offset the present increase in the cost of living.

#### STATE BOARD OF PURCHASE.

In order to provide a central agency to officially pass upon the needs of the various offices, departments, commissions, bureaus and boards, the Supreme Court, the Court of Appeals, and the Supreme Court library, for blank books, stationery, office supplies and materials, the Legislature of 1915 created a State Board of Purchase, consisting of the Governor, State Auditor and State Treasurer ex officio, with a State Purchasing Agent, by act approved September 10, 1915. The Secretary to the Gov-

error was made State Purchasing Agent ex officio. The board was required to hold quarterly meetings to consider all requisitions submitted. Prior to the establishment of the board all such supplies were secured on application to the Secretary of State, that officer keeping on hand a supply, purchased through a State contractor, under the provisions of section 578 of the Code of Alabama, 1907. The board organized in the office of the Governor, November 8, 1915. It has regularly held the several quarterly meetings as required. All of the details of the law have been carefully complied with. Without any intention to criticize any previous practices in such matters, it is believed that the operation of the law has been wholesome, and greatly to the interest of the State. The Purchasing Agent will submit a report, setting out the business of the board in detail, and to this your attention is invited.

#### INSURANCE.

The Insurance Department has become one of the best revenue producing agencies of the State government. Prior to 1916 it was in charge of the Secretary of State. The results obtained has fully vindicated the opinion of those who advocated placing it under an independent control. Insurance is a science and to be thoroughly understood and mastered requires undivided attention. The department has great powers of supervision and the collection of revenue pertaining to the insurance business is only a small part of its duties. It is through this department that the people are protected from frauds which are frequently attempted. There was a time not far distant when the insurance field was a prolific one for the unscrupulous promoter and schemer. This has all passed and none are permitted to do business in the State without a license from the State Insurance Commissioner. The combined revenues from this department for the three years in which it has operated as an independent and separate department were \$970,581.75, of which \$357,585.78 were collected during the past year. With the prosperity now prevalent, there will be a splendid increase in the current year's collections.

#### FISH AND GAME DEPARTMENT.

The receipts from this department are fair in comparison with what they have been heretofore. It pays the expense for the administration of the game laws of the State, and besides, deposits into the treasury a respectable sum. Alabama game laws have been accepted by a number of the other states as a model and seem to meet our own requirements. At the time when this department was created, game of every description was being rapidly exterminated, but from reports that come of the different sections of the State the various species of birds and animals that are protected have been gradually increasing under the protection of the law. The department, however, is looked upon too seriously as a revenue producer. The revenue feature should be entirely foreign, or at most, only incidental to such laws as relate to conservation and when this department comes to be more generally regarded by the law makers solely as one for game propagation and for game protection, then still better results will be obtained.

The oyster laws place some supervision over them with the Secretary of State. Such a departure from the fitness of things can only be explained as a freak introduced into our laws. Because of the subjects sought to be protected and the catch regulated, being habitats of salt or brackish water is no justifiable reason for not placing it under the supervision of a department created for purposes of that nature. The law should be

amended so as to include fish in our coastal waters. We have no provisions of law for the protection of the food which attract fish and if the food is destroyed, the waters will eventually become depleted. Fish boats in the service of canneries located outside of the State, poach upon Alabama waters in search of shrimp, which is a favorite food for fish. They not only destroy the supply of these, but do great damage otherwise to the fish and oyster interest of Alabama. There is at present no legal remedy for this condition and it should receive your careful consideration.

#### HARBOR COMMISSION.

Alabama has immeasurable natural advantages of which, we as citizens, take pride in boasting, but if these opportunities are not developed, instead of being sources of pride, they become standing monuments of neglected opportunities. The greater the natural advantages the less energy is required to secure the same degree of success as that obtained by communities less favored. There are frequently influences that prevent or control developments which are beyond the direction of localities most affected. Especially is this true, as it relates to transportation. This is the one element which cannot be ignored, whether it relates to products of the farm or to those of the factory. Industry will not expand beyond the demands of its immediate locality unless there be some means that will enable it to place its wares on the markets of the outside world at a cost that will give a fair return for the hazard of the undertaking.

Often the means of transportation are present but handicaps in the way of excessive cost, or lack of certain facilities, prevent their being accepted for particular kinds of traffic. In instances of this kind it is the province of the State to intervene, in order that the unnatural obstructions shall be removed.

Alabama has only one port, that of Mobile. Into the Bay of Mobile flow rivers that transverse the richest agricultural and mineral sections of the State. Large sums have been expended by the government from time to time, to make these rivers navigable, yet they have never been accepted by the communities contiguous to them as important factors in the transportation of their products. The river traffic has been largely confined to products from communities which have no other means of outlet and is therefore almost exclusively of a local nature. Whether this condition results from a lack of facilities at the port, from an undue restriction, or from excessive service charges, the information at hand is not sufficient to make a decision. It is patent that the river is less advantageous for transportation than other accessible means. Statements have been made time and again, that rail rates were lower and more satisfactory than they were by water and that by reason of this, traffic on the rivers was restricted. In water transportation the terminal expense is an important item in determining its relative cost.

Not only the river traffic may be adversely influenced by the terminal charges, but the port itself, in its import and its export, may be seriously hampered. The wharves and docks being of private ownership may cause excessive charges to be levied that will result in checking the business of the port. These facilities are public utilities and are matters of public concern. They are not only of direct interest to the city but of the State.

For the purpose of improving the conditions at her only port as it related to the terminals used in water transportation, the Legislature of 1915 created the Harbor Commission and appropriated \$10,000 to defray its expenses. While the commission collects some fees they are not large and are used in connection with the appropriation, for the payment of neces-

sary expense of administration. The commission practically has supervision of all matters pertaining to the waterways of the port, but as the State owns no docks or wharves, no direct control is exercised over these utilities.

The law creating the Harbor Commission grants large possibilities, but they are vague and unlikely of realization. They were given privileges without authority of consummation, except through diplomacy and by high financing. So far, their real accomplishments have been confined to that of supervision and regulation. The business of the port has largely increased since the creation of the Harbor Commission, but as to what percentage of this is due to its supervision, no report which has been submitted indicates.

Regardless of whether the real work so far done by the commission itself has had any great effect on the business of the port, public opinion will accord to it splendid results through the influence of its personnel. In its formation, appointment was made of men not only of influence in their respective localities, but those who were noted for what they had already achieved in the industrial and financial world. Their names in connection with the public duties which they assumed, were sufficient to direct the minds of others to the future possibilities of the subjects to which they were giving concern, and of the immediate localities that were to be affected. The attention of the industries of the mineral section of the State, needed to be attracted to the possibilities of our Gulf port, that both may be utilized in conjunction, and with advantage to each in the development of the resources of the State.

The City of Mobile is now prospering to a degree that has never been her good pleasure to enjoy. This is a source of gratification to the State at large and if this advancement in prosperity can be further accelerated by the State assuming a more enlarged and direct control of the utilities of the port on some practical basis, the needed steps to that end should be taken. You have the instrumentalities at your command through which to secure the information required for an intelligent determination of the matter. There are no agencies that can be employed from which information can be secured and in which greater reliance can be placed than from the Harbor Commission as it is at present constituted.

#### ALABAMA CENTENARY.

Your session will be held during the centennial year of our State. One hundred years ago, in 1819, the machinery of State government was put in motion, and on December 14th of that year, a joint resolution was adopted by Congress, formally admitting Alabama into the Federal Union. Our one hundred years of statehood has witnessed large achievements. The foundations laid by our forefathers a century ago support a superstructure noble and enduring. We have a natural pride in the glorious heritage of the past, but that pride would not be creditably sustained, if we now fail in this year of grace 1919 to appropriately observe our centenary. I have much pleasure, therefore, in making a general recommendation for the creation of a commission, charged with the duty of providing for appropriate commemorative exercises throughout the State, so planned as to arouse a greater pride in our history, and to stimulate our citizenship to higher patriotic ideals.

#### SOCIAL WORK REVIEW.

In order that the best results may be obtained along any line of endeavor, one must be thoroughly acquainted with the present status of the

subject which engages his concern and have an outline at least, of the objective sought to be obtained. If the essential steps have not been taken there is likely to be much waste of time and effort. Patch work is rarely satisfactory and should be avoided. We observe much of it in our legislative work, which comes from a failure oftentimes to study the structure or the system of whatever subject we seek to improve.

That the members of your bodies and the citizenship of the State generally may have a more thorough understanding of the State's institutions, as to what is being done, and as to what has been accomplished in our social welfare work, the services of Hastings H. Hart, LL. D., of the Russell Sage Foundation were secured, without expense to the State, to make a survey of the social agencies of Alabama. Doctor Hart is an authority on social work and maintains a close connection with what is being done in every section of our country. The report which he has made is the result of several weeks' personal investigation. From a careful reading of its pages you will gain much valuable information. His views are those of an expert and it is believed what he has to say of our institutions will not only be interesting but an aid to you in the consideration of the subjects of which his report relates.

#### CONCLUSION.

There are other departments which have not been mentioned specifically here, but all with the exception of those whose duties are of a clerical nature, have made up and published reports on the work of their respective departments. To these reports you are referred for special information, and in addition thereto, you are asked to read the reports made by the heads of other departments. They deal with the particular work in which they are severally interested and from them much information in detail will be gained.

To officials and to the citizens of the State generally, I wish to proclaim my thanks and gratitude for the support and cooperation which has been extended to me during the eventful days of the past few years. No administration has had so many problems and trials with which to contend, and none has ever received stronger support and assistance in working out their solutions. The four years has been a period of devoted pleasure, and the best wish that can be expressed for those of you who are now assuming new duties, is that you may secure just as much real enjoyment from your labors and responsibilities, as has been the portion that has come to the writer, during the four years in which he has been the chief executive of the State. There have been numerous problems, it is true, and trials, many of them, some almost tragic, but without responsibilities there can be no duties, and without obstacles in the pathway of duty, all actions become matter of fact, without special interest and void of achievement. Idleness leads to discontentment and the lack of quest for solutions to perplexing difficulties makes the hours long drawn out.

Now, permit me to greet you with congratulations for the auspicious beginning which you have made on the assumption of your responsibilities and to express to you the earnest desire that you may be guided by the Omnipotent in all of your counsels and that abundant success may crown your labors.

Respectfully,  
Chas. Henderson,  
Governor.

January 14, 1919.

## RECESS.

On motion of Mr. Rogers of Sumter, the Senate at 1:45 o'clock P. M., took a recess until 3:30 o'clock this afternoon.

## AFTERNOON SESSION.

Tuesday, January 14, 1919.

The Senate reassembled at 3:30 o'clock P. M.

## ROLL CALL.

Upon a call of the roll 23 senators, a quorum of the Senate, answered to their names.

## GOVERNOR'S MESSAGE.

The following message was received from His Excellency, which was read at length.

January 14, 1919.

*To the Senate and House of Representatives:*

I am transmitting herewith a certified copy of a resolution of Congress proposing an amendment to the Federal Constitution for your consideration.

Respectfully,

Chas. Henderson,  
Governor.

No.-----

UNITED STATES OF AMERICA

[Seal]

DEPARTMENT OF STATE

*To all to whom these presents shall come, Greeting:*

I certify that the copy hereto attached is a true copy of a resolution of Congress, entitled "Joint Resolution Proposing an amendment to the Constitution of the United States," the original of which is on file in this Department.

In testimony whereof, I, Robert Lansing, Secretary of State, have hereunto caused the Seal of the Department of State to be affixed and my name subscribed by the Chief Clerk of the said Department, at the City of Washington, this twenty-eighth day of December, 1917.

Robert Lansing,  
Secretary of State.  
By Ben G. Davis,  
Chief Clerk.

[Seal]



S. J. Res. 17.

SIXTY-FIFTH CONGRESS OF THE UNITED STATES OF AMERICA;  
AT THE SECOND SESSION,

Begun and held at the City of Washington on Monday, the third day of December, one thousand nine hundred and seventeen.

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several states as provided by the Constitution:

"ARTICLE —.

"Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"Sec. 2. The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

"Sec. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress.

Champ Clark,  
Speaker of the House of Representatives.  
Thos. R. Marshall,  
Vice President of the United States and  
President of the Senate.

I certify that this Joint Resolution originated in the Senate.

James M. Barker,  
Secretary.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Green:

H. J. R. 6. Joint resolution ratifying a proposed amendment to the Constitution of the United States of America.

Whereas, Both houses of the sixty-fifth Congress of the United States of America, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America, in the following words, to-wit:

“Joint Resolution

Proposing an amendment to the Constitution of the United States.

1. Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each house concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the states, to become valid as a part of the Constitution when ratified by the Legislatures of the several states as provided by the Constitution:

“Article —

“Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

“Sec. 2. The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

“Sec. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several states, as provided by the Constitution, within seven years from the date of the submission hereof to the states by the Congress.”

Therefore, Be it resolved by the Legislature of the State of Alabama:

“Section 1. That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislature of the State of Alabama.

Section 2. That certified copies of this preamble and joint resolution be forwarded by the governor of this State to the Secretary of State at Washington, to the presiding officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

The vote being yeas, 64; nays, 34.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

HOUSE MESSAGE.

On motion of Mr. Prestwood, the House joint resolution No. 6, set out in the foregoing message from the House, was under a unanimous suspension of the rules, put upon its immediate passage and adopted.

Yeas, 23; nays, 11.

Yeas:

Messrs:

Acker	Carmichael	Kelly	Prestwood
Beale	Cowan	Leith	Rogers (Sumter)
Bedsole	Ellis	Miller	Smith (Coosa)
Briscoe	Espy	Morris	Smith (Lawrence)
Brown	Griffith	Nance	West
Butler	Harper	Phillips	

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Nays:

Messrs:

Baker	Evins	McDowell	Sims
Carlton	Gunter	Norwood	Tally
Craft	Huddleston	Rogers (Lauderdale)	

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#### INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Carmichael:

S. 1. To fix and prescribe the salary of the governor of Alabama and the manner of paying same.

Rules.

By Mr. Carmichael:

S. 2. To amend section 6638 of the Code of Alabama of 1907, and to repeal all laws, and parts of laws, general, local, private and special in conflict with said section as hereby amended.

Rules.

By Mr. Carmichael:

S. 3. To regulate the allowances to sheriffs for feeding prisoners in jail under charge or conviction of any indictable offense, and to provide the payment therefor.

Rules.

By Mr. Carmichael:

S. 4. To amend section 3722 of the Code of 1907. (Relates to fees of sheriffs.)

Rules.

By Mr. Gunter:

S. 5. To amend an act entitled "An act to fix the compensation of circuit judges, circuit solicitors, and assistant solicitors in all circuits of the State of Alabama which circuits are composed of only one county and having two or more judges, or which circuits may hereafter have two or more judges, and to provide that a portion of such salaries be paid out of the county

treasury of the counties constituting the respective circuits" by amending the title of said act and by adding thereto an additional section.

Judiciary.

By Mr. Baker:

S. 6. To amend section 914 of the Code of 1907, and to repeal all laws in conflict with this act.

Rules.

By Mr. Morris:

S. 7. To fix the compensation of the Secretary of the Senate, Assistant Secretary of the Senate and Chief Clerk in his office; the Clerk of the House, Assistant Clerk of the House, and Reading Clerk of the House.

Rules.

By Mr. Rogers of Lauderdale:

S. 8. To amend chapter 230 of the Code of Alabama of 1907. Relating to hotels and innkeepers; and to include therein regulation of cafes, restaurants and eating places.

Rules.

By Mr. Rogers of Lauderdale:

S. 9. To provide for absent qualified electors of the State of Alabama to vote in any primary election in this State while absent from the State or his regular voting place, to prescribe the method of carrying out such provision, and to require election officers to perform certain duties in connection therewith.

Rules.

By Mr. McDowell:

S. 10. To appropriate the sum of seventy thousand (\$70,000.00) dollars for the payment of the amounts due by the State to the sheriffs of the counties in the State for feeding prisoners in the county jails during the fiscal years 1916 and 1917, and which are unpaid.

Rules.

#### RESOLUTIONS.

Mc McDowell offered the following Senate joint resolution:

S. J. R. 7. Be it resolved by the Senate, the House concurring, That there shall be and is hereby created a joint commission to consist of five members, two from the Senate and three from the House, to consider the question of the Legislature taking a recess and if said recess is to be taken, when it shall be taken and when the Legislature shall re-convene, which said com-

mittee shall report its recommendations back to the Senate and the House.

Which was read and referred to the Committee on Rules.

Mr. McDowell also offered the following Senate joint resolution:

S. J. R. 8. Be it resolved by the Senate, the House concurring, That the revenue bill be adopted by the Legislature before any new appropriations be made for any purpose, except for the usual appropriations for the running expenses of the State.

Which was read and referred to the Committee on Rules.

Mr. McDowell also offered the following Senate joint resolution:

S. J. R. 9. Be it resolved by the Senate, the House concurring, that:

1st. There be and is hereby created a joint inaugural committee to be composed of five members of the Senate and seven members of the House.

2nd. That the said joint committee shall take such steps as it may deem necessary for the proper inauguration of the incoming governor and lieutenant governor, and report back to the Legislature its recommendations for such action as the Legislature may see fit to take.

Which was read and referred to the Committee on Rules.

#### JOINT CONVENTION.

The hour of 4:30 o'clock having arrived, the Legislature of Alabama met in the Hall of the House of Representatives to witness the opening of the returns and counting, ascertaining and proclaiming the results of the votes cast for the executive officers of the State at the election held on Tuesday after the first Monday in November, 1918, being the 5th day of November in the year of our Lord one thousand nine hundred and eighteen.

The joint convention was called to order by Lieutenant Governor Thomas E. Kilby, President of the Senate, who directed the Secretary of the Senate to call the roll of the Senate, when the following senators answered to their names:

#### Messrs:

Acker  
Baker  
Beale  
Bedsole  
Briscoe

Brown  
Butler  
Carlton  
Carmichael  
Cowen

Craft  
Ellis  
Espy  
Evins  
Griffith

Gunter  
Harper  
Huddleston  
Kelly  
Leith

Miller	Norwood	Rogers (Lauderdale)	Smith (Lawrence)
Morris	Phillips	Sims	Tally
McDowell	Prestwood	Smith (Coosa)	West
Nance			

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The Speaker of the House then directed the Clerk of the House to call the roll of the House of Representatives, when the following representatives answered to their names:

## Messrs:

Mr. Speaker	Dickson	Jones (Escambia)	Parker
Alexander	<del>Dodson</del>	Jones (Marengo)	Partridge
Allen	Dunaway	Jones (Montgomery)	Pittman
Andrews	Edwards (Dallas)	Johnson	Reynolds
Arnold	Edwards (Pike)	Lawson	Ross
Austin	Ellis (Bullock)	Lee (Butler)	Russell
Baker	Ellis (Elmore)	Lewis	Salter
Barganier	Faulk	Long (Sumter)	Seale
Benners	Fletcher	Longshore	Shaw
Blunt	Gilbert	Lynne	Sherrod
Bracken	Graham (Clarke)	Manasco	Simpson
Brindley	Green	Marshall	Smith
Burks	Griffin	Mathews	Sparks
Burns	Guy	Milford	Stewart
Carnley	Hall (Marion)	Mitchell	Tompkins
Christian	Hale	Moorer	Trammell
Christopher	Hardaway	Murphree	Truss
Clayton	Hare	McDonald	Tunstall
Cliett	Hawkins	McDowell	Waddell
Cobbs	Hollis	McLeod	Whorton
Collins	Howle	Oakley	Williams
Crump	Huey	Oliver	Wilson
Dansby	Ingram	Orr	Woodard
Deese			

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The Lieutenant Governor and President of the Senate then announced that there was a quorum of the Legislature of Alabama present and that the purpose of the joint convention was to open the returns, count, ascertain, and proclaim the result of the election held on Tuesday after the first Monday in November, 1918, being the 5th day of November, 1918, for executive officers of the State of Alabama.

The Speaker of the House of Representatives then proceeded to open and publish in the presence of the Legislature of Alabama, and in the presence of a majority of the members of the Legislature of Alabama in joint convention assembled, the returns of the election held on Tuesday after the first Monday in November, 1918, for the executive officers of the State of Alabama, to-wit: For Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Su-

perintendent of Education, and Commissioner of Agriculture and Industries.

RESULT OF THE ELECTION.

The Speaker of the House then proclaimed the result of the election as follows:

Counties.	Governor.		Lieutenant-Governor.		Attorney-General.		State Auditor.	
	Kilby.	Smith.	Miller.	Cox.	Smith.	McKay.	Lee.	Carroll.
Autauga	482	51	488	37	490	37	490	34
Baldwin	487	28	482	32	480	31	481	26
Barbour	798	3	799	3	798	3	798	3
Bibb	479	41	503	12	507	6	519	6
Blount	1,100	839	1,066	825	1,058	826	1,062	824
Bullock	364		364		364		364	
Butler	617	5	618	5	620	4	622	3
Calhoun	1,063	65	1,070	56	1,067	55	1,058	55
Chambers	823	24	821	22	820	20	820	20
Cherokee	956	169	931	157	923	155	921	154
Chilton	454	844	443	849	429	429	415	808
Choctaw	393	3	935	1	935		935	
Clarke	538		536		535		536	
Clay	797	503	783	492	751	508	777	488
Cleburne	532	310	484	290	483	287	472	286
Coffee	830	28	846	30	845	27	844	25
Colbert	758	164	770	145	659	146	755	148
Conecuh	481	12	481	7	481	7	481	7
Coosa	647	326	629	309	604	318	618	306
Covington	815	15	817	15	813	10	821	10
Crenshaw	700	5	702	5	702	5	702	5
Cullman	1,089	984	1,067	918	1,063	899	1,054	897
Dale	732	200	723	205	714	190	719	190
Dallas	645	4	648	4	743	3	648	4
DeKalb	1,319	862	1,254	864	1,244	864	1,247	866
Elmore	828	65	849	40	853	40	852	40
Escambia	459	10	859	10	456	9	458	9
Etowah	1,585	420	1,545	397	1,550	397	1,542	396
Fayette	796	382	756	367	740	359	750	358
Franklin	723	707	705	707	645	708	744	728
Geneva	627	92	625	85	617	85	618	89
Greene	242		240		242		243	



Hale	336	3	337	336	3	337	336	3	337	3
Henry	358	22	358	357	22	357	357	22	358	23
Houston	863	126	864	864	124	863	863	123	863	124
Jackson	911	617	902	902	437	899	899	381	899	384
Jefferson	6,834	36	6,787	6,787	35	6,874	6,874	35	6,874	34
Lamar	542	52	542	542	50	540	540	48	540	48
Lauderdale	614	121	617	617	100	618	618	101	618	98
Lawrence	459	26	455	455	8	453	455	8	455	8
Lee	551	9	573	573	7	587	585	7	585	7
Linestone	725	38	730	730	28	730	730	28	730	28
Lowndes	327	1	326	326	246	327	327	238	327	237
Macon	506	642	507	507	53	507	507	595	507	593
Madison	864	1,084	864	864	1	861	868	29	868	32
Marengo	607	793	608	608	10	607	608	9	608	9
Marion	834	13	817	817	82	813	814	82	814	80
Marshall	1,556	87	1,463	1,463	10	1,446	1,440	10	1,440	10
Mobile	1,068	12	1,078	1,078	13	981	1,083	11	1,083	11
Monroe	793	499	780	780	479	783	779	472	779	475
Montgomery	918	5	923	923	2	925	645	1	645	2
Morgan	1,068	954	1,034	1,034	949	1,035	789	947	789	948
Perry	400	740	401	401	383	401	643	457	643	459
Pickens	545	87	539	539	73	538	383	72	383	72
Pike	749	22	753	753	20	756	734	20	734	20
Randolph	941	17	907	907	16	910	918	16	918	16
Russell	643	1,278	645	645	1,256	646	839	1,255	839	1,248
Shelby	822	7	797	797	7	790	1,722	7	1,722	8
St. Clair	740	1	660	660	1	654	294	1	294	1
Sumter	725	850	383	383	834	382	442	834	442	834
Talladega	725	87	734	734	87	733	559	87	559	87
Tallapoosa	915	22	916	916	20	918	73	20	73	20
Tuscaloosa	842	17	844	844	16	840	918	16	918	16
Walker	1,792	1,278	1,737	1,737	1,256	1,738	839	1,255	839	1,248
Washington	295	7	294	294	7	294	1,722	7	1,722	8
Wilcox	452	1	452	452	1	443	294	1	294	1
Winston	593	850	557	557	834	559	442	834	442	834
Totals	54,746	13,497	55,023	55,023	12,851	54,492	54,035	12,250	54,035	12,607

Counties.	Secretary of State.		State Treasurer.		Superintendent of Education.		Com'r. Agricul. and Industries.	
	Cobb.	Long.	Bradley.	Sloan.	Dowell.	Moody.	Algood.	
Autauga	492	35	489	37	490	36	490	
Baldwin	480	29	480	27	482	27	486	
Barbour	798	3	797	3	797	3	797	
Bibb	507	10	500	5	508	6	491	
Blount	1,056	833	1,062	841	1,047	857	1,108	
Bullock	364		364		364		364	
Butler	621	4	621	3	620	3	623	
Calhoun	1,068	53	1,070	53	1,065	55	1,075	
Chambers	821	20	822	19	823	19	825	
Cherokee	925	156	922	204	923	149	924	
Chilton	432	806	426	854	424	845	428	
Choctaw	395		396		393		394	
Clarke	535		537		535		536	
Clay	789	482	778	489	778	494	782	
Cleburne	458	287	484	286	479	284	489	
Coffee	845		846	24	843	27	849	
Colbert	766	142	763	149	759	157	766	
Conecuh	481	7	481	7	481	7	480	
Coosa	630	306	624	307	624	310	631	
Covington	820	10	826	10	824	10	823	
Crenshaw	702	5	703	5	701	5	702	
Cullman	1,103	910	1,068	919	1,060	904	1,151	
Dale	719	193	723	187	721	192	721	
Dallas	648	4	648	4	648	4	648	
DeKalb	1,252	865	1,241	874	1,251	863	1,260	
Elmore	851	40	853	40	852	41	855	
Escambia	459	9	457	9	459	9	459	
Etowah	1,530	395	1,539	397	1,523	416	1,549	
Fayette	754	366	791	358	753	374	765	
Franklin	700	706	755	727	743	734	759	
Geneva	619	84	620	84	613	85	620	
Greene	242		241		243		242	

Hale	337		337		338		338		337		337		337
Henry	358	3	357	3	357	3	357	3	357	3	357	3	357
Houston	864	41	862	22	863	22	863	22	862	22	863	22	862
Jackson	901	126	901	122	900	122	900	122	901	124	900	124	910
Jefferson	6,894	451	6,894	387	6,887	387	6,887	387	6,894	401	6,887	401	6,948
Lamar	541	34	542	33	540	33	540	33	540	34	540	34	540
Lauderdale	618	49	619	51	620	51	620	51	620	46	625	46	625
Lawrence	459	97	444	98	444	98	444	98	444	100	467	100	467
Lee	577	9	585	8	586	8	586	8	586	8	586	8	586
Limestone	730	5	730	7	730	7	730	7	731	7	731	7	731
Lowndes	326		327		326		326		327		327		327
Macon	508	5	507	6	508	6	508	6	508	5	508	5	508
Madison	862	27	860	27	860	27	860	27	863	27	863	27	863
Marengo	609		608		608		608		608	1	608	1	608
Marion	806	248	819	238	813	238	813	238	819	240	819	240	819
Marshall	1,459	603	1,444	597	1,438	597	1,438	597	1,459	608	1,459	608	1,509
Mobile	1,082	41	1,084	32	1,083	32	1,083	32	1,083	40	1,083	40	1,083
Monroe	783	1	791	1	781	1	781	1	781	1	781	1	781
Montgomery	926	9	923	9	925	9	925	9	925	9	925	9	925
Morgan	1,042	82	1,042	80	1,040	80	1,040	80	1,042	81	1,032	81	1,032
Perry	401	1	401	1	401	1	401	1	401	1	401	1	401
Pickens	539	9	551	9	541	9	541	9	539	10	539	10	539
Pike	759	11	755	11	756	11	756	11	756	11	756	11	756
Randolph	911	476	914	474	913	474	913	474	913	477	918	477	918
Russell	646	1	647	2	646	2	646	2	646	2	646	2	646
Shelby	793	953	798	949	795	949	795	949	798	953	798	953	798
St. Clair	650	468	666	465	638	465	638	465	650	486	700	486	700
Sumter	382		382		382		382		382		382		382
Talladega	734	73	733	72	735	72	735	72	737	72	737	72	737
Tallapoosa	918	20	918	20	918	20	918	20	918	20	918	20	918
Tuscaloosa	841	15	848	15	845	15	845	15	851	16	851	16	851
Walker	1,734	1,265	1,751	1,253	1,721	1,253	1,721	1,253	1,721	1,266	1,740	1,266	1,740
Washington	293	7	294	7	295	7	295	7	296	7	296	7	296
Wilcox	451	1	443	1	443	1	443	1	443	1	443	1	443
Winston	552	834	559	834	559	834	559	834	559	834	559	834	559
Totals	54,088	12,725	54,262	12,756	54,079	12,829	54,596						

## RECAPITULATION.

For Governor:	
Thomas E. Kilby	54,746
Dallas B. Smith	13,497
For Lieutenant Governor:	
Nathan L. Miller	55,023
C. M. Cox	12,851
For Attorney General:	
J. Q. Smith	54,492
C. M. McKay	12,250
For State Auditor:	
H. Fitzhugh Lee	54,035
S. A. Carroll	12,607
For Secretary of State:	
William P. Cobb	54,088
David H. Long	12,725
For State Treasurer:	
Robert L. Bradley	54,262
J. F. Sloan	12,756
For Superintendent of Education:	
Spright Dowell	54,079
D. E. Moody	12,829
For Commissioner of Agriculture and Industries:	
M. C. Allgood	54,596

## PROCLAMATION OF THE RESULT.

The Speaker of the House of Representatives then declared that Thomas E. Kilby, Nathan L. Miller, J. Q. Smith, H. Fitzhugh Lee, William P. Cobb, Robert L. Bradley, Spright Dowell, M. C. Allgood, were duly and constitutionally elected Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, State Superintendent of Education and Commissioner of Agriculture and Industries respectively for the term prescribed by law.

The object of the joint convention having been accomplished the Lieutenant Governor and President of the Senate announced that it was dissolved, whereupon the Senate retired to its Chamber.

Mr. Acker offered the following Senate resolution:

S. R. 10. Resolved, That the standing committees of the Senate recommended for election by Lieutenant Governor-elect Nathan L. Miller in written communication herewith submitted in compliance with Senate resolution No. 2, be now elected as so reported and are hereby declared to be the standing committees of the Senate.

Which was read and adopted, and the following members of the respective standing committees elected, to-wit:

## STATE CAPITOL.

Montgomery, Alabama, January 14, 1919.

To the Senate of Alabama:

In compliance with Senate resolution No. 2, I have the honor to recommend to you for election the several senators hereinafter named, to constitute the respective standing committees of this Senate, the first senator named on each committee respectively to be chairman, as follows:

## 1. On the Judiciary, to consist of eleven members:

- |              |               |
|--------------|---------------|
| 1. Acker     | 7. Carmichael |
| 2. Prestwood | 8. McDowell   |
| 3. Griffith  | 9. Evins      |
| 4. Leith     | 10. Briscoe   |
| 5. Phillips  | 11. Baker     |
| 6. Sims.     |               |

## 2. On Revision of Laws, to consist of eleven members:

- |            |                |
|------------|----------------|
| 1. Miller  | 7. Gunter      |
| 2. Sims    | 8. Carlton     |
| 3. Tally   | 9. Baker       |
| 4. Leith   | 10. Griffith   |
| 5. Bedsole | 11. Carmichael |
| 6. Morris  |                |

## 3. On Constitution and Constitutional Revision and Amendments, to consist of seven members:

- |                  |           |
|------------------|-----------|
| 1. Prestwood     | 5. Harper |
| 2. Phillips      | 6. Miller |
| 3. Rogers, J. A. | 7. Evins  |
| 4. Bedsole       |           |

## 4. On Finance and Taxation, including accounts and claims, fees and salaries, and contingent fund, to consist of eleven members:

- |           |                  |
|-----------|------------------|
| 1. Butler | 7. Moore         |
| 2. Brown  | 8. Rogers, B. A. |
| 3. Kelly  | 9. Leith         |
| 4. Ellis  | 10. Cowan        |
| 5. Acker  | 11. McDowell     |
| 6. West   |                  |

## 5. On Banking and Insurance, to consist of seven members:

- |            |            |
|------------|------------|
| 1. Sims    | 5. Briscoe |
| 2. Moore   | 6. Beale   |
| 3. Espy    | 7. Nance   |
| 4. Norwood |            |

## 6. On Penitentiary, Prison and Prison Punishment, to consist of nine members:

- |                 |                  |
|-----------------|------------------|
| 1. Briscoe      | 6. Rogers, B. A. |
| 2. Tally        | 7. Rogers, J. A. |
| 3. Huddleston   | 9. Espy          |
| 4. Baker        | 9. Griffith      |
| 5. Smith, W. H. |                  |

## 7. On Corporations, to consist of five members:

- |             |           |
|-------------|-----------|
| 1. Griffith | 4. Gunter |
| 2. Bedsole  | 5. Morris |
| 3. Miller   |           |

## 8. On Local Legislation, to consist of seven members:

- |                 |                  |
|-----------------|------------------|
| 1. West         | 5. Nance         |
| 2. Acker        | 6. Rogers, B. A. |
| 3. Smith, O. T. | 7. Kelly         |
| 4. Craft        |                  |

## 9. On Education, to consist of eleven members:

- |               |                  |
|---------------|------------------|
| 1. Carmichael | 7. Harper        |
| 2. West       | 8. Briscoe       |
| 3. Brown      | 9. Rogers, B. A. |
| 4. Espy       | 10. Smith, O. T. |
| 5. Ellis      | 11. McDowell     |
| 6. Beale      |                  |

## 10. On Commerce and Common Carriers, to consist of seven members:

- |                  |                  |
|------------------|------------------|
| 1. Rogers, J. A. | 5. Rogers, B. A. |
| 2. Carlton       | 6. Morris        |
| 3. Phillips      | 7. Butler        |
| 4. Huddleston    |                  |

## 11. On Mining and Manufactories, to consist of five members:

- |          |            |
|----------|------------|
| 1. Leith | 4. Norwood |
| 2. Brown | 5. West    |
| 3. Sims  |            |

## 12. On Agriculture, to consist of seven members :

- |                 |           |
|-----------------|-----------|
| 1. Espy         | 5. Evins  |
| 2. Nance        | 6. Butler |
| 3. Smith, W. H. | 7. Tally  |
| 4. Norwood      |           |

## 13. On Municipalities and Municipal Organization, including charitable institutions, to consist of five members :

- |           |             |
|-----------|-------------|
| 1. Brown  | 4. Ellis    |
| 2. Morris | 5. Griffith |
| 3. Sims   |             |

## 14. On Counties and County Boundaries, to consist of five members :

- |             |              |
|-------------|--------------|
| 1. Beale    | 4. Prestwood |
| 2. Kelly    | 5. West      |
| 3. McDowell |              |

## 15. On Immigration and Industrial Resources, to consist of five members :

- |           |            |
|-----------|------------|
| 1. Morris | 4. Tally   |
| 2. Gunter | 5. Bedsole |
| 3. Leith  |            |

## 16. On Public Buildings and Grounds, to consist of five members :

- |            |                  |
|------------|------------------|
| 1. Nance   | 4. Rogers, J. A. |
| 2. Gunter  | 5. Harper        |
| 3. Norwood |                  |

## 17. On Privileges and Elections, including grievances, incapacities and registration, to consist of seven members :

- |                 |          |
|-----------------|----------|
| 1. Phillips     | 5. Moore |
| 2. Miller       | 6. Brown |
| 3. Kelly        | 7. Baker |
| 4. Smith, O. T. |          |

## 18. On Printing, to consist of five members :

- |                 |          |
|-----------------|----------|
| 1. Smith, W. H. | 4. Espy  |
| 2. Beale        | 5. Ellis |
| 3. Huddleston   |          |

## 19. On Public Health, to consist of five members:

- |               |            |
|---------------|------------|
| 1. Cowan      | 4. Bedsole |
| 2. Acker      | 5. West    |
| 3. Huddleston |            |

## 20. On Military, to consist of three members:

- |                 |          |
|-----------------|----------|
| 1. Smith, O. T. | 3. Cowan |
| 2. Prestwood    |          |

## 21. On Temperance, to consist of nine members:

- |            |                 |
|------------|-----------------|
| 1. Bedsole | 6. Brown        |
| 2. Beale   | 7. Harper       |
| 3. Cowan   | 8. Smith, W. H. |
| 4. Nance   | 9. Huddleston   |
| 5. Craft   |                 |

## 22. On Engrossed Bills, to consist of three members:

- |            |                  |
|------------|------------------|
| 1. Evins   | 3. Rogers, B. A. |
| 2. Briscoe |                  |

## 23. On Enrolled Bills, to consist of three members:

- |             |               |
|-------------|---------------|
| 1. McDowell | 3. Carmichael |
| 2. Ellis    |               |

24. On Revision of the Journal, to consist of five members, whose duty it shall be to examine in reference to each bill or resolution finally passed by the General Assembly and report whether the Journal contains the entries in reference thereto required by the Constitution:

- |                 |          |
|-----------------|----------|
| 1. Griffith     | 4. Craft |
| 2. Carlton      | 5. Baker |
| 3. Smith, O. T. |          |

## 25. On Public Roads and Highways, to consist of nine members:

- |                  |                 |
|------------------|-----------------|
| 1. Kelly         | 6. Nance        |
| 2. Rogers, J. A. | 7. Smith, W. H. |
| 3. Craft.        | 8. Smith, O. T. |
| 4. Tally         | 9. Carlton      |
| 5. Butler        |                 |



26. On Fish, Game and Forestry, to consist of five members:

- |             |            |
|-------------|------------|
| 1. Moore    | 4. Carlton |
| 2. Phillips | 5. Cowan   |
| 3. Craft    |            |

27. On Rules, to consist of five members, with the right to report at any time:

- |              |               |
|--------------|---------------|
| 1. Acker     | 4. Butler     |
| 2. Miller    | 5. Carmichael |
| 3. Prestwood |               |

Respectfully submitted,  
Nathan L. Miller,  
Lieutenant Governor-elect.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following resolution:

H. J. R. 7. That when the two houses adjourn today that they meet tomorrow at 2 P. M.

And sends same to the Senate.

Fred H. Gormley,  
Clerk.

HOUSE MESSAGE.

The House joint resolution set out in the foregoing message from the House was, on motion of Mr. Bedsole, concurred in and adopted by the Senate.

ADJOURNMENT.

At 5:25 o'clock P. M., in pursuance of H. J. R. No. 7, on motion of Mr. Phillips, the Senate adjourned until 2 o'clock tomorrow afternoon.

## SECOND DAY.

Wednesday, January 15th, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Kilby, President of the Senate, presiding.

## ROLL CALL.

Mr. President and

Messrs:

Acker

**Baker**

Beale

Bedsole

Briscoe

Brown

Butler

Carlton

Cowan

Craft

**Ellis**

Espy

Evins

Griffith

Gunter

Harper

Huddleston

Kelly

**Leith**

Miller

Morris

McDowell

Nance

Norwood

Phillips

Prestwood

**Rogers** (Lauderdale)

Rogers (Sumter)

Sims

Smith (Coosa)

Smith (Lawrence)

Tally

West

—33

## JOURNAL.

On motion of Mr. Bedsole the reading of the Journal of yesterday was dispensed with and same was approved by the Senate.

## PRIVILEGES OF THE FLOOR.

On motion of Mr. Rogers of Sumter, the privileges of the floor were extended to Hon. David C. Almon of Albany.

On motion of Mr. Leith the privileges of the floor were extended to Hon. John H. Bankhead, of Jasper.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Brown:

S. 11. To repeal sections 3279, 3280 and 3281 of the Code of Alabama of 1907.

Judiciary.

By Mr. Brown:

S. 12. To provide pensions for all soldiers and sailors who were in the military or naval services of the State of Alabama, and for those who served in the army or navy of the Confederate States of America, with certain exceptions and who did not desert the same in the war between the states of the United States of America in the years 1861, 1862, 1863, 1864 and 1865, and who are bona fide resident citizens of the State of Alabama.

And to regulate and provide for the payment of such pensions by the State of Alabama.

Finance and Taxation.

By Mr. Brown:

S. 13. To repeal sections 3279, 3280 and 3281, of the Code of Alabama of 1907.

Judiciary.

By Mr. Brown:

S. 14. To repeal sections 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 101, 103, 104, 105, and 106 of an act of the Legislature of Alabama, entitled an act to provide for the assessment, valuation and equalization of values of real and personal property for taxes, and for this purpose to create State board of equalization, prescribe the powers and duties of said board, to create a board of equalization of each county, and to prescribe the powers and duties of said boards, to provide for the collection of taxes; the sale of property for taxes; the redemption from such sales; to further provide for the general revenues, abolish the State tax commission, and to transfer all the power and authority and jurisdiction and all proceedings pending for assessment and collection of taxes, and to repeal all laws in conflict with this act. Approved on the 14th day of September, 1915.

Finance and Taxation.

By Mr. Acker:

S. 15. To amend section 6657 of the Code of Alabama.

Judiciary.

By Mr. West:

S. 16. To amend section 1296 of the Code of 1907.

Local Legislation.

By Mr. West:

S. 17. To regulate the assessment of cost of public improvements against property by municipalities, and to provide a method by which assessments originally levied against a tract of land may be split and divided among the interested property owners, and providing for the correction of errors in the descriptions of ownerships, and for reducing the assessments before, pending appeal, or after an appeal has been decided, and authorizing the governing bodies of cities to settle and compromise cases of assessment or judgments thereon.

Municipal Organizations.

By Mr. West:

S. 18. To authorize and empower all cities of the State of Alabama having more than 100,000 population according to the

last or any subsequent Federal census to condemn or acquire by purchase or otherwise, a right-of-way, easement or other interest in land for the purpose of connecting private property with the sanitary or storm sewerage system of any such city, and to assess the cost of the acquisition of such right-of-way, easement or other interest in such land, and the cost of constructing such connection, against the property benefited thereby.

Municipal Organizations.

By Mr. West :

S. 19. To authorize and empower all cities of the State of Alabama which have a population of more than 100,000 according to the last or any subsequent Federal census, to construct, reconstruct, repair, renew or otherwise improve bridges, culverts and waterways, and to provide for an assessment of the cost thereof.

Municipal Organizations.

By Mr. West :

S. 20. To authorize municipalities of the State to make contracts and agreements with other cities of the State for the inspection of dairies, milk, meats, and other food products.

Public Health.

By Mr. West :

S. 21. To amend sections 1392, 1393 and 1394 of the Code of 1907.

Local Legislation.

By Mr. West :

S. 22. To prescribe a rule of construction of municipal charters, municipal ordinances and statutes delegating authority to, and conferring power on municipal corporations.

Municipal Organizations.

By Mr. West :

S. 23. To authorize municipalities to maintain a bill in equity in the name of the city to abate or enjoin a public nuisance injurious to the health, morals, comfort or welfare of the community.

Municipal Organizations.

By Mr. West :

S. 24. To provide for the assessment and collection of municipal general and special taxes, without any commission or compensation whatsoever in all cities in the State of Alabama having a population of more than 100,000 according to the last or any subsequent Federal census, and to repeal, etc., sections 36 or 37 of an "Act to provide for and regulate the assessment, levy and collection of municipal taxes of all cities in the State of Alabama having over 100,000 population, according to the last Fed-

eral or State census, or according to any succeeding Federal or State census, to define the duties of the State, county or municipal officers in regard thereto, to fix a tax year for such cities, and to make the county tax collector of each county ex-officio the collector of property tax for each of said cities within the county." Approved March 4th, 1911.

#### Municipal Organizations.

By Mr. West:

S. 25. To prescribe the limitation within which actions to test the validity of municipal bonds or elections to levy taxes or to issue bonds shall be commenced.

#### Municipal Organizations.

By Mr. Rogers of Sumter:

S. 26. To provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama.

#### Finance and Taxation.

By Mr. Prestwood:

S. 27. To establish the court of county commissioners for Covington county, Alabama; to provide for the selection of its members and fix their duties and compensation; to fix the duties and jurisdiction of the court; to divide the county into commissioner's districts, and to abolish the board of revenue of said county.

#### Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE.

A bill will be introduced in the Legislature of Alabama at its next regular session convening in January, 1919, and enacted into a law for Covington county, Alabama, creating and establishing a court of record for said county, styled the court of county commissioners, to be composed of a president and four associate members, in lieu of the board of revenue of said county, conferring upon said court of county commissioners and the officers thereof all the powers, duties, jurisdiction, practice, and procedure as is now or may hereafter be conferred upon courts of county commissioners and boards of revenue of this State, and transferring all the matters, causes, records and papers of said board of revenue of said county into said court of county commissioners and abolishing said board of revenue of Covington county; providing for the officers of said court to give bond and prescribing their qualifications and providing for their compensation and otherwise defining and enlarging said court's jurisdiction, powers and duties; providing for the appointment of a clerk of said court and prescribing his qualifications and defining his duties and providing for his compensation and requiring of him a bond; and providing that Covington county shall be divided into four commissioners districts; and providing that the president of said court shall be elected by the qualified electors of said county from the county at large; and that the qualified electors of each district shall elect each a member of said court, all at the next general

election to be had in the year 1920, and every four years thereafter; and to provide for the appointment of the members of said court, who shall hold office until their successors are elected and qualified as provided for in said bill; and providing for a special election to be held not more than sixty days from the passage and approval of said bill for the election of the president and associate members of said court, who shall take their office on the first Monday after their election is declared and hold the same until the next general election to be had in 1920 and until the successors are elected and qualified.

The State of Alabama, {  
County of Covington. }

I, H. J. Brodgen, clerk of the circuit court for said county and State, hereby certify that on this day in ~~said county~~ personally appeared before me, Oscar M. Duggar, who is known to me, and who, being by me first duly sworn, doth on oath depose and say: That I am the publisher and editor of the Andalusia Star, a semi-weekly newspaper published regularly twice each week in Andalusia, said county and State, and that the above and foregoing notice to create a court of county commissioners and abolish the board of revenue for Covington county, Alabama, as is copied and set out above, was regularly published for four consecutive weeks, in said newspaper in said county, beginning on and in the issue of said newspaper of December the 10th, 1918, and appearing in said paper regularly on December 10th, 1918; December 17th, 1918; December 24th, 1918; December 31st, 1918, and January 7th, 1919.

Oscar M. Duggar.

Sworn to and subscribed before me this the 11th day of January, A. D. 1919.

H. J. Brodgen,  
Clerk of the Circuit Court  
for Covington County, Alabama.

By Mr. Bedsole:

S. 28. To amend section 883 of the Code of Alabama.

Finance and Taxation.

By Mr. Bedsole:

S. 29. To further suppress the evils of intemperance; to restrict the receipt, possession and delivery of spirituous, vinous, malted, fermented or other intoxicating or prohibited liquors and beverages and fixing punishment and penalties.

Temperance.

By Mr. Baker:

S. 30. To re-enact sections 5841 and 5842 of the Code of 1907.

Public Roads and Highways.

By Mr. Baker:

S. 31. To amend sections 7 and 23a of an act approved April 24th, 1911, entitled, "An act for the regulation and control of fraternal benefit societies and repealing said sections 7 and 23a," and authorizing issuance of certificates to children and a basis of valuation of assets.

Revision of Laws.

By Mr. Phillips:

S. 32. To provide for and require the payment of taxes whenever property passes by the laws of inheritance, by will or by deed, grant or gift intended to take effect in possession or enjoyment after the death of the grantor or donor, to fix the rate of said tax, to provide for the lien of said tax, the payment of said tax, the appraisal of the property subject to said tax, and the person who shall be liable for said tax, to provide for the appointment of administrators and the enforcement of said tax in instances where no will is probated and no administration is applied for, and to provide for fees in matters relating to said tax.

Finance and Taxation.

By Mr. Craft:

S. 33. To submit to the qualified electors of this State at a special election to be held at the call of the Governor after ninety days from the final adjournment of this Legislature for their consideration an amendment to the Constitution for the purpose of authorizing the State to establish and maintain a State highway system of public roads and bridges; to issue interest-bearing bonds therefor, to authorize the levy of taxes by the State, counties and cities for said purpose, and to provide for the efficient and economic establishment and maintenance of said system according to such regulations as the Legislature may have prescribed or may hereafter prescribe.

Public Roads and Highways.

By Mr. McDowell:

S. 34. To amend section 3101 of the Code.

Judiciary.

By Mr. McDowell:

S. 35. To amend section 7 and 23a of an act approved April 24th, 1911, entitled "An act for the regulation and control of fraternal benefit societies and repealing said sections 7 and 23a," and authorizing issuance of certificates to children and a basis of valuation of assets.

Revision of Laws.

By Mr. McDowell:

S. 36. To confirm the sales of real estate made in this State under and by power of sale contained in mortgages, where the real estate was sold as a whole, and not in separate pieces.

Judiciary.

By Mr. Beale:

S. 37. To require that a copy of the published notice and affidavits of the publisher that the notice has been published for the requisite time, together with a receipt from the published

showing payment of the printer's fee, be made a part of the record of all actions or suits in which by statute or by order of the court any publication of notice is required and to make such record, or a certified copy thereof, the best evidence of such publication and admissible in evidence without further proof.

Judiciary.

#### REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Carmichael:

S. 1. To fix and prescribe the salary of the governor of Alabama, and the manner of paying same.

By Mr. Carmichael:

S. 2. To amend section 6638 of the Code of Alabama of 1907, and to repeal all laws and parts of laws, general, local, private and special in conflict with said section as hereby amended.

By Mr. Carmichael:

S. 3. To regulate the allowance to sheriffs for feeding prisoners in jail under charge or conviction of any indictable offense and to provide the payment therefor.

By Mr. Carmichael:

S. 4. To amend section 3722 of the Code of 1907.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gunter:

S. 5. To amend an act entitled "An act to fix the compensation of circuit judges, circuit solicitors, and assistant solicitors in all circuits in the State of Alabama which circuits are composed of only one county and having two or more judges, or which circuits may hereafter have two or more judges, and to provide that a portion of such salaries be paid out of the county treasury of the counties constituting the respective circuits" by amending the title of said act and by adding thereto an additional section.

#### ADVERSE REPORT.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the follow-



ing bill and ordered same returned to the Senate with an adverse report:

By Mr. Morris:

S. 7. To fix the compensation of the Secretary of the Senate, Assistant Secretary of the Senate and Chief Clerk in his office; the Clerk of the House, Assistant Clerk of the House and Reading Clerk of the House.

#### RESOLUTION.

Mr. Beale offered the following Senate resolution:

S. R. 11. Resolved, That a committee of three be appointed by the President, whose duty it shall be to cause a minister to be present at the opening session each day to open the session with prayer.

Which was read and referred to the Committee on Rules.

#### APPOINTMENT OF READING CLERK.

The Secretary, with the approval of the Lieutenant Governor, appointed A. J. Aldridge, of Jefferson, Reading Clerk of the Senate.

#### MESSAGE FROM THE GOVERNOR.

January 14, 1919.

*Gentlemen of the Senate:*

According to the provisions of section 266 of the Constitution, vacancies occurring in the offices of the trustees of the Alabama Polytechnic Institute shall be filled by appointment of the governor, by and with the consent of the Senate.

I, therefore, report to you the appointment of the following trustees for the Alabama Polytechnic Institute:

P. S. Haley, of the 10th District, for term ending January 1, 1927.

W. F. Feagin, of the 2nd District, for term ending in 1923, to fill vacancy caused by death.

H. D. Merrill, of the 4th District.

Harry Herzfeld, of the 5th District.

Oliver R. Hood, of the 7th District, for term ending January 1, 1931.

I submit these appointments for your consideration and confirmation.

Respectfully,

Chas. Henderson,  
Governor.

#### GOVERNOR'S MESSAGE.

On motion of Mr. Miller, the foregoing message from His Excellency, the Governor, was laid on the Secretary's desk until tomorrow.

#### ADJOURNMENT.

On motion of Mr. Acker, the Senate at 3 o'clock P. M., adjourned until 10 o'clock tomorrow morning.

## THIRD DAY.

Thursday, January 16th, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Kilby, President of the Senate, presiding.

## PRAYER.

By Rev. Brooks Lawrence, of Birmingham.

## ROLL CALL.

## Present:

Mr. President and

Messrs:

Acker	Craft	Kelly	Phillips
Baker	Ellis	Leith	Prestwood
Beale	Espy	Miller	Rogers (Lauderdale)
Bedsole	Evins	Morris	Rogers (Sumter)
Briscoe	Griffith	McDowell	Smith (Lawrence)
Brown	Gunter	Nance	Tally
Butler	Harper	Norwood	West
Carlton			

—29

## JOURNAL.

On motion of Mr. Bedsole the reading of the Journal of yesterday was dispensed with and same was approved by the Senate.

## LEAVES OF ABSENCE.

On motion of Mr. Bedsole, leave of absence was granted Mr. Carmichael for today.

On motion of Mr. Prestwood, leave of absence was granted Mr. Smith of Coosa, for today.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Ellis:

S. 38. To authorize the making and entering of record of certain orders and decrees in probate courts; providing the method of obtaining same and defining the effect thereof.

Judiciary.

By Mr. Ellis:

S. 39. To amend section 146 of the Code of Alabama of 1907.  
Revision of Laws.

By Mr. Ellis:

S. 40. To amend section 6168 of the Code of Alabama of 1907.

Judiciary.

By Mr. Ellis:

S. 41. To amend section 153 of the Code of Alabama of 1907.

Judiciary.

By Mr. Ellis:

S. 42. To amend section 147 of the Code of Alabama of 1907.

Judiciary.

By Mr. Baker:

S. 43. To amend section 4747 of the Civil Code of Alabama.  
Revision of Laws.

By Mr. Ellis:

S. 44. To grant the privilege to the United States for acquiring lands in Alabama and ceding to the United States the jurisdiction over such lands so long as the ownership may be retained by the United States.

Agriculture.

By Mr. Rogers of Lauderdale:

S. 45. To provide for absent qualified electors of the State of Alabama to vote in any primary election in this State while absent from the State or county in which he is a qualified elector; to prescribe the method of carrying out such provision; and to require election officers and others charged with duties hereunder to perform duties in connection therewith.

Privileges and Elections.

By Mr. Gunter:

S. 46. To repeal an act entitled an act, "To authorize persons who have practiced dentistry or dental surgery in the State of Alabama for twenty years or more to practice the same."

Judiciary.

By Mr. Gunter:

S. 47. To amend section 2047 of the Code of Alabama, 1907.

Finance and Taxation.

By Mr. Gunter:

S. 48. To fix the compensation to be paid by the county to sheriffs, deputy sheriffs and sheriffs' clerks in counties having a population exceeding eighty-two thousand (82,000) and not more than one hundred thousand (100,000) according to the last Federal census or any subsequent Federal census and to provide for the payment of the same out of the general fund of such counties.

Judiciary.

## REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate joint resolution and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDowell:

S. J. R. 8. Be it resolved by the Senate, the House concurring. ~~That the revenue bill be adopted by the Legislature before any new appropriations be made for any purpose, except the usual appropriations for the running expenses of the State.~~

## GOVERNOR'S MESSAGE.

On motion of Mr. McDowell the Senate, by unanimous consent, took up the governor's message of yesterday, relative to confirmation of trustees of the Alabama Polytechnic Institute at Auburn.

Mr. McDowell moved the confirmation of the trustees, which motion was seconded by Mr. Acker, and said trustees named as follows were confirmed by the Senate:

P. S. Haley, of the 10th District, for term ending January 1, 1927.

W. F. Feagin, of the 2nd District, for term ending in 1923, to fill vacancy caused by death.

H. D. Merrill, of the 4th District.

Harry Herzfeld, of the 5th District.

Oliver R. Hood, of the 7th District, for terms ending January 1, 1931.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Acker	Carlton	Leith	Prestwood
Baker	Craft	Miller	Rogers (Lauderdale)
Beale	Ellis	Morris	Rogers (Sumter)
Bedsole	Espy	McDowell	Smith (Lawrence)
Briscoe	Gunter	Nance	Tally
Brown	Harper	Norwood	West
Butler	Kelly	Phillips	

—27

## BILLS ON THIRD READING.

The bill:

S. 1. To fix and prescribe the salary of the governor of Alabama and the manner of paying same.

Was read a third time at length and passed.

Yeas, 26; nays, 4.

*Yeas:*

Messrs:

Acker	Craft	Kelly	Prestwood
Beale	Ellis	Leith	Rogers (Lauderdale)
Bedsole	Espy	Miller	Rogers (Sumter)
Briscoe	Evins	McDowell	Sims
Brown	Gunter	Norwood	Smith (Lawrence)
Butler	Harper	Phillips	West
Carlton	Huddleston		

—26

*Nays:*

Messrs:

Baker	Morris	Nance	Tally
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—4

The bill:

S. 2. To amend section 6638 of the Code of Alabama of 1907, and to repeal all laws and parts of laws, general, local, private and special in conflict with said section as hereby amended.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 4.

*Yeas:*

Messrs:

Acker	Espy	Morris	Rogers (Lauderdale)
Bedsole	Evins	McDowell	Rogers (Sumter)
Briscoe	Gunter	Nance	Sims
Brown	Harper	Norwood	Smith (Lawrence)
Craft	Kelly	Phillips	West
Ellis	Leith	Prestwood	

—23

*Nays:*

Messrs:

Baker	Butler	Miller	Tally
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—4

The bill:

S. 3. To regulate the allowance to sheriffs for feeding prisoners in jail under charge or conviction of any indictable offense and to provide the payment therefor.

Was taken up.

Mr. Evans offered the following amendment to said bill:

Amend section 1 of the bill so as to read as follows:

Section 1. Be it enacted by the Legislature of Alabama, That the sheriffs shall receive for feeding prisoners in jail under charge or conviction of any indictable offense to be paid by the State, according to the following scale, namely:

When the number of prisoners does not exceed 10, for each prisoner, 60c per day;

When the number of prisoners exceeds 10 and does not exceed 20, for each prisoner, 50c per day;

When the number of prisoners exceeds 20 and does not exceed 40, for each prisoner, 40c per day;

When the number of prisoners exceeds 40, for each prisoner, 35c per day.

Which was adopted.

Yeas, 26; nays, 3.

*Yeas:*

Messrs:

Acker	Carlton	Huddleston	Norwood
Baker	Craft	Kelly	Rogers (Lauderdale)
Beale	Ellis	Miller	Rogers (Sumter)
Bedsole	Espy	Morris	Sims
Briscoe	Evins	McDowell	Smith (Lawrence)
Brown	Gunter	Nance	Tally
Butler	Harper		

—26

*Nays:*

Messrs:

Leith	Phillips	West
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—3

And said bill, as thus amended, was read a third time at length and passed:

*Yeas:*

Messrs:

Acker	Craft	Leith	Prestwood
Baker	Ellis	Miller	Rogers (Lauderdale)
Beale	Espy	Morris	Rogers (Sumter)
Bedsole	Evins	McDowell	Sims
Briscoe	Gunter	Nance	Smith (Lawrence)
Brown	Harper	Norwood	Tally
Butler	Huddleston	Phillips	West
Carlton	Kelly		

—30

*Nays:*—None.

#### REPORT FROM RULES COMMITTEE.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolutions and returned same to the Senate with a favorable report:

By Mr. Beale:

S. R. 11. Resolved, That a committee of three be appointed by the President, whose duty it shall be to cause a minister to be present at the opening session each day to open the session with prayer.

Upon motion of Mr. Acker, the rules were suspended and said resolution put upon its immediate passage and said resolution adopted by the Senate. Thereupon the President Pro Tem

appointed as committee on part of the Senate, Messrs. Beale, West and Rogers of Sumter.

Also favorably:

By Mr. McDowell:

S. J. R. 7. Be it resolved by the Senate, the House concurring, That there shall be and is hereby created, a joint commission to consist of five members, two from the Senate and three from the House, to consider the question of the Legislature taking a recess, and if said recess is to be taken, when it shall be taken, and when the Legislature shall reconvene, which said committee shall report its recommendations back to the Senate and the House.

On motion of Mr. Acker, the rules were suspended and the resolution put upon its immediate passage and adopted by the Senate.

Thereupon, Mr. Bedsole, Presiding Officer of the Senate, appointed as members of said committee on the part of the Senate, Messrs. McDowell and Leith.

On motion of Mr. Acker said resolution was ordered sent forthwith to the House without engrossment.

Also favorably:

By Mr. McDowell:

S. J. R. 9. Be it resolved by the Senate, the House concurring, that:

1st. There be and is hereby created a joint inaugural committee to be composed of five members from the Senate and seven members from the House.

2nd. That the said joint committee shall take such steps as it may deem necessary for the proper inauguration of the incoming governor and lieutenant governor, and report back to the Legislature its recommendations for such action as the Legislature may see fit.

Mr. Acker moved the suspension of the rules, which motion prevailed and said resolution was put upon its immediate passage and adopted by the Senate, and on motion of Mr. Acker said resolution was sent forthwith to the House without engrossment.

Thereupon, Mr. Bedsole, President Pro Tem and Presiding Officer of the Senate, appointed as members of said committee on the part of the Senate, Messrs. McDowell, Acker, Evins, Brown and Prestwood.

#### BILLS ON THIRD READING RESUMED.

The bill:

S. 5. To amend an act entitled "An act to fix the compensation of circuit judges, circuit solicitors, and assistant solicitors

in all circuits in the State of Alabama which circuits are composed of only one county and having two or more judges, or which circuits may hereafter have two or more judges, and to provide that a portion of such salaries be paid out of the county treasury of the counties constituting the respective circuits" by amending the title of said act and by adding thereto an additional section.

Was taken up.

Mr. Gunter offered the following amendment to said bill:

Amend section 41½ by adding thereto:

"That in such circuits the circuit solicitor shall receive a salary of four thousand two hundred (\$4,200.00) dollars per annum, two thousand four hundred (\$2,400.00) dollars of which salary shall be paid out of the State treasury in the manner now or hereafter provided by law, and one thousand eight hundred (\$1,800.00) dollars of which salary shall be paid out of the county treasury of the counties constituting such circuit, in twelve equal monthly installments upon the warrants of the president of the board of revenue of such counties in the same manner as the judge's salaries are paid."

Which was adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Acker	Carlton	Leith	Prestwood
Baker	Craft	Miller	Rogers (Lauderdale)
Beale	Ellis	McDowell	Rogers (Sumter)
Bedsole	Espy	Nance	Sims
Briscoe	Evins	Norwood	Smith (Lawrence)
Brown	Gunter	Phillips	West
Butler	Harper		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length, passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 1.

Yeas:

Messrs:

Acker	Carlton	Leith	Prestwood
Baker	Craft	Miller	Rogers (Lauderdale)
Beale	Ellis	McDowell	Rogers (Sumter)
Bedsole	Espy	Nance	Sims
Briscoe	Evins	Norwood	Smith (Lawrence)
Brown	Gunter	Phillips	West
Butler	Harper		

—26

Nays: Mr. Tally—1.



The bill:

S. 4. To amend section 3722 of the Code of 1907.

Was taken up.

Mr. Craft offered the following amendment to said bill:

Amend section one by striking out the words: "Not less than six hundred nor more than one thousand dollars per annum" and substitute therefor the words: "Not exceeding six hundred dollars per annum."

Amend section 1 by striking out the words "Not less than \$100.00 and substitute therefor the words: "Not exceeding \$90.00."

Which was adopted.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Acker	Carlton	Kelly	Phillips
Baker	Cowan	Leith	Prestwood
Beale	Craft	Miller	Rogers (Lauderdale)
Bedsole	Espy	Morris	Rogers (Sumter)
Briscoe	Evins	McDowell	Sims
Brown	Harper	Nance	Tally
Butler	Huddleston	Norwood	West

—28

Nays:—None.

Mr. Prestwood offered the following amendment to said bill:

Amend by striking out the words \$500 where they occur after the words "collecting money under execution" and substitute therefor the words: \$200.

And by striking out the words "In which event the costs shall be taxed against the party moving for the attachment" where they occur after the words, "When the same has been ex-cused by the court without terms."

Which was adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Acker	Craft	Leith	Prestwood
Baker	Ellis	Miller	Rogers (Lauderdale)
Bedsole	Espy	McDowell	Rogers (Sumter)
Briscoe	Gunter	Nance	Sims
Brown	Harper	Norwood	Tally
Butler	Huddleston	Phillips	West
Carlton	Kelly		

—26

Nays:—None.

And said bill as thus amended, was read a third time at length, passed and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 6.

Yeas:

Messrs:

Acker	Ellis	Leith	Prestwood
Bedsale	Espy	Morris	Rogers (Lauderdale)
Briscoe	Gunter	McDowell	Rogers (Sumter)
Carlton	Harper	Nance	Sims
Cowan	Huddleston	Norwood	West
Craft	Kelly	Phillips	

—23

Nays:

Messrs:

Baker	Brown	Miller	Tally
Bscale	Butler		

—6

#### REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills, beg leave to report that said committee, in session, have examined and compared the following engrossed bill with the original and find same correctly engrossed, to-wit:

S. 1. To fix and prescribe the salary of the governor of Alabama and the manner of paying same.

R. B. Evins,  
Chairman.

#### REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills, beg leave to report that said committee, in session, have examined and compared the following engrossed bill with the original and find same correctly engrossed, to-wit:

S. 3. To regulate the allowance to sheriffs for feeding prisoners in jail under charge or conviction of any indictable offense and to provide the payment therefor.

R. B. Evins,  
Chairman.

#### GOVERNOR'S MESSAGE.

*To the Senate and House of Representatives:*

The Federal government is proposing to provide homes for its soldiers, sailors and marines, who have been in the military service of the country during the recent war. While no legislation to that effect has been completed by Congress, it is contemplated that 100,000 acres of land be acquired by the government in a number of the states. This land is to be in compact bodies of not less than 25,000-acre tracts, and is to be improved and sold to the soldiers, sailors and marines on long terms of payment. In order that the United States shall have the authority to undertake this

work and acquire the lands in Alabama, legislation will have to be enacted extending this privilege and granting the protection to the United States that may be necessary under the scheme proposed to be put into effect. Sections 898, 899, 2413 and 2427 of the Code of 1907 ceded jurisdiction to the government over Federal building sites, lands necessary for fortifications and those used in river and harbor improvements. It is only necessary to cede similar jurisdiction over lands acquired in the soldier settlement proposition.

I would recommend that an act be passed ceding jurisdiction to the United States over sites acquired by the United States within the confines of Alabama over all lands acquired by the United States by purchase, condemnation or otherwise, and that exclusive jurisdiction, in and over lands so acquired by the United States, except in the service upon such sites of all civil and criminal process of the courts of this State, but such jurisdiction to continue no longer than the said United States shall own such lands.

Chas. Henderson,  
Governor.

January 16, 1919.

The foregoing message received from His Excellency, the Governor, was read and ordered spread upon the Journal.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 1. To fix and prescribe the salary of the governor of Alabama and the manner of paying the same.

And sends same to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bill in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 1. To the Committee on Rules.

#### RESOLUTION.

Mr. Acker offered the following joint resolution:

S. J. R. 12. Be it resolved by the Senate of Alabama, the House concurring, that the following joint rules for the government of the Senate and House be adopted for the session of 1919:

#### JOINT RULES

##### OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA, SESSION 1919.

1. Upon the reception of a message from either House notifying the other of the originating and passing of bills, the Secre-

tary or Clerk, as the case may be, shall immediately after the message is read, proceed to read the bills by their titles, unless the reading be called for by some member, in which event the bill shall be read at length, and referred to a committee. The House or Senate, as the case may be, shall then proceed with the business upon which it was engaged when the message was received; provided, that message from one house to the other shall take precedence over all other questions.

2. When House or Senate bills are signed by the presiding officer of the House or Senate, thereupon the Clerk or Secretary, ~~as the case may be, shall notify the other house and request the~~ signature of the presiding officer to the same; and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. That no local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact, that the notice required by the Constitution and laws has been given, and submits one original and two exact copies of proof thereof with the bill.

4. All bills for amendment to any section or part of the Code, in which the subject matter is stated in the title by reference to the section or other sub-division of the Code, must contain on the back of the bill, immediately below the title, a brief statement of the general subject to which such section or sub-section relates.

5. That the Secretary of the Senate or Clerk of the House as the case may be, shall, when a bill is duly enrolled and signed by the presiding officer of both houses, deliver the bill to the governor, noting thereon the day and hour and minute of delivery, and shall make a written report thereof to the House or Senate, where the bill originated, showing the number and title of the bill and time of delivery, which shall be spread upon the Journal, and shall become a part of such Journal.

6. All legislative documents, reports or other papers with the exceptions of bills and resolutions, which may be ordered printed by either House, shall be issued in octavo form, 23 ems measure in width, 11 point type with 1 lead only, saddle stitched or wired on the side, and the title page shall have a heading in substantially the following form:

IN THE LEGISLATURE OF THE STATE OF  
ALABAMA.

REGULAR SESSION, 1919.

Legislative Document No. ....

(or Calendar No. ...., for that publication, with the name  
of the particular House.)

7. Bills or resolutions ordered printed by either house, or by any committee or the chairman thereof under the rules of the respective houses, shall substantially conform in size, paper and general style to the printed bills of Congress; shall be given a printed bill number in the order received by the State printer, in addition to the Senate or House number; shall be printed on one side of the paper only; shall be saddle stitched or wired on the left side; and the heading of each shall be substantially as follows:

Printed  
No.....

Senate (or House)  
No.....

IN THE LEGISLATURE OF THE  
STATE OF ALABAMA.  
REGULAR SESSION, 1919.

Jan. (or other date)..... Senate (or House) Bill (or resolution) No....., introduced by Mr.....  
of..... (County).

Read 1 time, and referred to committee on.....  
(or such other action, showing status at date printed).

Jan. (or other date)..... copies ordered printed by the  
Senate (or House).

8. In addition to the number of copies of any bill, resolution, document or other printed paper which may be ordered printed by either house, or by any committee or the chairman thereof, the State printer shall print two hundred additional copies for the use of the department of archives and history, unless otherwise ordered by the director.

9. The privileges of the floor of both houses are accorded the director and clerks of the department of archives and history, in aid of the reference work, required by law to be done by the department for the members of the Legislature.

On motion of Mr. Acker the rules were suspended and the above and foregoing resolution was adopted and said joint rules above set out were adopted by the Senate as the joint rules of the House and Senate for the session of 1919.

On motion of Mr. Acker said resolution was sent forthwith to the House without engrossment.

Mr. Kelly offered the following joint resolution:

RESOLUTION FOR THE ESTABLISHMENT OF THE BANKHEAD  
NATIONAL HIGHWAY.

S. J. R. 13. Be it resolved by the Senate, the House concurring, that:

Whereas, The Bankhead national highway association has mapped a continuous highway from Washington to Los Angeles, through Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona and California, which they have designated as the Bankhead national highway in recognition of the thirty-two years of service in the Congress of the United States of the senior senator from Alabama and of his distinguished advocacy of the Federal improvement of the highways; and,

Whereas, the route has been located after inspection and approval by a representative of the United States bureau of public roads and an impartial pathfinding committee and has the approval of the highway commission of this State; and,

Whereas, the Bankhead national highway association has requested that said road be made an inter-state highway, and that the several states join in memorializing the Federal government to designate said road as a national highway and to co-operate with the states in its construction and maintenance.

Therefore, be it resolved: (1) That the State of Alabama hereby join the other states in the establishment of this road as an inter-state highway, the route across Alabama being route Nos. 2 and 9, as shown on the State highway map and traversing the cities of Heflin, Anniston, Talladega, Pell City, Birmingham, Jasper, Hamilton, Guin and Sulligent. (2) That the Congress of the United States be and hereby is memorialized to designate the said road as the Bankhead national highway, and to aid the states in its construction and maintenance as a national highway. (3) That this section be transmitted to the governors of the several states and to the several secretaries of state for their consideration and to the president of the United States for Federal action.

Which was read and referred to the Standing Committee on Public Roads and Highways.

#### ORDER TO PRINT.

On motion of Mr. Craft 500 copies of:

S. 33. To submit to the qualified electors of this State at a special election to be held at the call of the governor after ninety days from the final adjournment of this Legislature for their consideration, an amendment to the Constitution for the purpose of authorizing the State to establish and maintain a State highway system of public roads and bridges; to issue interest-bearing bonds therefor, to authorize the levy of taxes by the State, counties and cities for said purpose and to provide for the efficient and economic establishment and maintenance of said sys-

tem according to such regulations as the Legislature may have prescribed or may hereafter prescribe.

And same were ordered printed for the use of the Senate.

#### GOVERNOR'S MESSAGE.

*To the Senate and House of Representatives:*

I desire to call your special attention to Senate Bill 298 on page 879 of the Acts of the Legislature of 1915. This act was passed to ratify and confirm contracts and agreements made by Governor O'Neal during his administration as Governor, for employment of special counsel for the State made for and on accounts thereof, and to provide for the payment of such services as had been rendered and for which payment had not been made. The bill embodied in this act was sent to my desk about the twelfth hour on the night of final adjournment of the Legislature. A veto message was hurriedly returned to the Senate with the bill, but at no time after it was received by the Senate until its adjournment was there a quorum present, so that action could be taken upon the message. It was, therefore, returned to the Governor's office, after adjournment of the Legislature, and was approved by him and sent to the Secretary of State, with the understanding that the commission formed by this act to pass upon bills would not be called upon to act upon any claims that this act was intended to cover. The effect of this act with the agreement in effect was only to confirm and ratify such payments as had theretofore been paid by the treasurer. The objections to this act are:

1st. It does not fix any particular sum as having been appropriated for the purpose named.

2nd. It does not name the beneficiaries, all of whom are supposed to have been known to the Legislature, together with the amount of the claims.

3rd. The act not having set aside any particular sum to cover the claim, nor the beneficiaries of these claims not having been specifically mentioned, the act is not so constructed as to meet my views as to what a bill carrying an appropriation should contain. Furthermore, the commission created by this act was authorized "to pass upon and determine the just and proper amount due the persons named in this bill and to pay such sums to the several persons named for services mentioned and that such amounts are not to exceed amounts heretofore claimed." There are no persons named in this act and the commission had no knowledge of the amounts heretofore claimed, and in this respect the act was also considered defective.

My information was at the time that there were just claims for services rendered under contract with the former Governor, which have been properly substantiated and approved by the former Governor, as being in accordance with the contract made by him. There can be no question in my mind but what such claims should be paid but only by an act constructed as one carrying an appropriation should be. I would suggest that you provide an appropriation by special legislation, to cover such of these claims as may in your opinion appear proper, naming the beneficiaries and the amount due each according in your opinion to which he is entitled.

Chas. Henderson,  
Governor.

On motion of Mr. Rogers of Sumter, the foregoing message from His Excellency, the Governor, was laid on the Secretary's desk until the disposition of Senate bill 298, referred to in said message.

## GOVERNOR'S MESSAGE.

*To the Senate and House of Representatives:*

The contract by which the Capitol has been furnished with fuel expired October first, last. The Secretary of State advertised for bids as required under section 69 of the Constitution, but no bids were received for furnishing the fuel for the Capitol. The coal situation was in such an unsettled condition and the products of the mines liable to be commandeered by the Government, no one was willing to take the chance of entering into a contract with the State and giving bond, as required by law for carrying out such contract. It, therefore, became necessary to originate some other manner of obtaining fuel than that provided in the Constitution and the laws of the State. This was done by having the Convict Department purchase and pay for the coal, the price having already been fixed by the Government. This was done by the department, and I am asking that authority be given to the Auditor to draw his warrant in favor of the Convict Department for the amount which they had paid for coal under this arrangement and charge the same to the proper account to which the fuel for the Capitol is usually charged. As you will understand, this is simply transferring the amount from one account to another and is only for the purpose of keeping the accounts relating to the different departments of the State correct and representing the true amount expended for such account. The amount in this instance which should be authorized is \$1,892.72, \$727.06 of this, however, occurred in 1914, which amount should have been passed upon by the last Legislature, but the account for same having been misplaced in some way it was overlooked; the Convict Department, however, long afterwards settled this account with the coal operator. I would suggest that some plan be originated by which the fuel can be purchased without resorting to this round-about method.

Chas. Henderson,  
Governor.

The foregoing message from the governor was read and ordered spread upon the Journal.

## GOVERNOR'S MESSAGE.

*To the Senate and House of Representatives:*

A contract of sale for the timber on what is known as the salt lands of the State was made last August. The price agreed upon for the timber was \$27,000.00, ten percent of which was deposited by the purchaser as a guarantee of good faith that the purchaser would accept the lands at the price when the Legislature gave the necessary authority for the sale of the timber. The lands embrace Sections 21 and 28, Township 5, N., R. 2-E, and Sections 21, 22 and 27, Township 7, R-1 E. I would suggest that authority be given to the Governor for the sale of said timber with privilege to the purchaser of removing said timber from the land in a reasonable number of years after the contract has been finally entered into.

January 16, 1919.

Chas. Henderson,  
Governor.

The foregoing message received from His Excellency, the Governor, was read and ordered spread upon the Journal.

## ADJOURNMENT.

At 1:30 o'clock P. M., on motion of Mr. Morris, the Senate adjourned until 2 o'clock tomorrow afternoon.



## FOURTH DAY.

Friday, January 17th, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Kilby, President of the Senate, presiding.

## PRAYER.

By Rev. Dr. Briscoe, of Chambers.

## ROLL CALL.

Mr. President and

Messrs:

Acker	Craft	Huddleston	Prestwood
Baker	Ellis	Kelly	Rogers (Lauderdale)
Beale	Espy	Leith	Rogers (Sumter)
Bedsole	Evins	Miller	Sims
Briscoe	Griffith	Morris	Smith (Lawrence)
Brown	Gunter	Nance	Tally
Butler	Harper	Phillips	West
Cowan			

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## PRIVILEGES OF THE FLOOR.

On motion of Mr. Ellis, the privileges of the floor were extended to Mr. E. C. Melvin, of Selma.

On motion of Mr. Baker the privileges of the floor were extended to F. M. Prestwood.

## LEAVES OF ABSENCE.

On motion of Mr. Bedsole, leave of absence was granted Mr. Carlton.

On motion of Mr. Ellis, leave of absence was granted to Mr. McDowell.

On motion of Mr. Prestwood, leave of absence was granted to Mr. Smith of Coosa.

## JOURNAL.

On motion of Mr. Bedsole, the reading of the Journal of yesterday was dispensed with and same was approved by the Senate.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Sims:

S. 49. That section 4109 of the Code of Alabama be and the same is hereby amended so as to read as follows:

Judiciary.

By Mr. Beale:

S. 50. To amend section 878 of the Code of Alabama as amended by the act of September 25th, 1915, relating to "The Alabama insane hospital."

Municipalities and Municipal Organizations.

By Mr. Beale:

S. 51. To amend section 840 of the Code of Alabama, relating to "~~The Alabama insane hospitals~~" as amended by the act of September 25th, 1915.

Municipalities and Municipal Organizations.

By Mr. Leith:

S. 52. To amend section 4747 of the Civil Code of Alabama.  
Revision of Laws.

By Mr. Leith:

S. 53. Prescribing the liability of an employer to make compensation by way of damages for injuries due to accident received by an employee arising out of and in the course of employment and providing for the enforcement of same, modifying common law and statutory remedies, in such cases; establishing an alternative elective schedule of compensation, regulating procedure for the determination of liability and compensation thereunder in certain cases, and prescribing penalties for the violation thereof; and providing a lien for attorney's fees and for medical and surgical services.

Mining and Manufacturing.

By Mr. Kelly:

S. 54. To prohibit the erection and maintenance of advertising signs resembling railroad crossing signs, on the public highways, and on private property within one hundred feet of the right-of-way of a public road, and to provide penalties for the violation of the provisions of this act.

Public Roads and Highways.

By Mr. Kelly:

S. 55. To create a State highway department; to define its powers and duties; to authorize State aid in the construction and maintenance of public roads and bridges; to create a State highway fund and to provide for its expenditure; to impose certain duties upon county and municipal officials and to provide a penalty for their failure to discharge same; to authorize the State highway department to work State convicts upon public roads and bridges; to assent to the act of Congress approved

July 11, 1916, known as the "Federal aid law" and to authorize the State highway department to cooperate with the United States government in the construction and maintenance of rural post roads; and to repeal the act approved April 5, 1911, entitled "An act to provide for the creation of a State highway commission," defining its powers, duties and compensation, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources.

Public Roads and Highways.

By Mr. Evins (by request):

S. 56. To regulate in part the time of trial of criminal cases.  
Judiciary.

By Mr. Evins (by request):

S. 57. To require all druggist and prescriptionist to write the name of the person for whom the prescription is given, on the bottle, or other receptacle, containing the medicine before delivering the medicine.

Public Health.

By Mr. Espy:

S. 58. To amend section 6964 of chapter 224 of the Code of 1907; relates to open season on squirrels.

Fish, Game and Forestry.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 2. To amend section 3722 of the Code of 1907, and ordered same sent forthwith to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 2, Judiciary.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the joint rules set out in:

S. J. R. 12. For the government of the two houses.  
And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. No. 9, relative to the appointment of a committee of five on part of the Senate and seven on part of the House, as an inaugural committee, and the Speaker has named on part of the House, Messrs. Lynne, Cobbs, Fletcher, Hare, Holmes, Ross, McLeod.

And herewith returns same to the Senate.

Fred H. Gormley,  
Clerk.

#### REPORTS OF COMMITTEES.

Mr. Miller, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDowell:

S. 31. To amend section 7 and 23a of an act approved April 24th, 1911, entitled "An act for the regulation and control of fraternal benefit societies and repealing said sections 7 and 23a," and authorizing issuance of certificates to children and a basis of valuation of assets.

Mr. West, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Prestwood:

S. 27. To establish the court of county commissioners for Covington county, Alabama; to provide for the selection of its members and fix their duties and compensation; to fix the duties and jurisdiction of the court; to divide the county into commissioner's districts, and to abolish the board of revenue of said county.

By Mr. West:

S. 21. To amend sections 1392, 1393 and 1394 of the Code of 1907.

By Mr. West (with amendment):

S. 16. To amend section 1296 of the Code of 1907.

Mr. Brown, chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. West:

S. 25. To prescribe the limitation within which actions to test the validity of municipal bonds or elections to levy taxes or to issue bonds shall be commenced.

By Mr. West:

S. 24. To provide for the assessment and collection of municipal general and special taxes, without any commission or compensation whatsoever in all cities in the State of Alabama having a population of more than 100,000 according to the last or any subsequent Federal census, and to repeal, etc., sections 36 or 37 of an "Act to provide for and regulate the assessment, levy and collection of municipal taxes of all cities in the State of Alabama having over 100,000 population, according to the last Federal or State census, or according to any succeeding Federal or State census, to define the duties of the State, county or municipal officers in regard thereto, to fix a tax year for such cities, and to make the county tax collector of each county ex-officio the collector of property tax for each of said cities within the county." Approved March 4th, 1911.

By Mr. West (with amendment):

S. 23. To authorize municipalities to maintain a bill in equity in the name of the city to abate or enjoin a public nuisance injurious to the health, morals, comfort or welfare of the community.

By Mr. West:

S. 18. To authorize and empower all cities of the State of Alabama having more than 100,000 population according to the last or any subsequent Federal census to condemn or acquire by purchase or otherwise, a right-of-way, easement or other interest in land for the purpose of connecting private property with the sanitary or storm sewerage system of any such city, and to assess the cost of the acquisition of such right-of-way, easement or other interest in such land, and the cost of constructing such connection, against the property benefited thereby.

By Mr. West:

S. 19. To authorize and empower all cities of the State of Alabama which have a population of more than 100,000, according to the last or any subsequent Federal census, to construct, reconstruct, repair, renew or otherwise improve bridges, culverts

and waterways, and to provide for an assessment of the cost thereof.

By Mr. West:

S. 17. To regulate the assessment of cost of public improvements against property by municipalities, and to provide a method by which assessments originally levied against a tract of land may be split and divided among the interested property owners, and providing for the correction of errors in the descriptions of ownerships, and for reducing the assessments before, pending appeal, or after an appeal has been decided, and authorizing the governing bodies of cities to settle and compromise cases of assessment or judgments thereon.

Mr. Bedsole, chairman of the Standing Committee on Temperance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bedsole (with amendments):

S. 29. To further suppress the evils of intemperance; to restrict the receipt, possession and delivery of spirituous, vinous, malted, fermented or other intoxicating or prohibited liquors and beverages and fixing punishment and penalties.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Green:

H. 1. To fix and prescribe the salary of the governor of Alabama and the manner of paying the same.

#### RESOLUTION.

Mr. Prestwood offered the following resolution:

S. R. 14. Be it resolved by the Senate, That the chairmen of the following committees are hereby authorized to employ clerks to serve such committees during the present session, to-wit:

The Committee on Judiciary, one clerk.

The Committee on Revision of Laws, one clerk.

The Committee on Finance and Taxation, one clerk.

The Committees on Local Legislation and Fish, Game and Forestry, jointly, one clerk.

The Committee on Education, one clerk.

The Committees on Constitution and Constitutional Revision and Aments, Banking and Insurance, Mining and Manufactories and Temperance, jointly, one clerk.

The Committees on Penitentiary, Prison and Prison Punishment, Corporations, Commerce and Common Carriers, Counties and County Boundaries, Revision of Journal and Public Roads and Highways, jointly, one clerk.

The Committees on Immigration and Industrial Resources, Public Buildings and Grounds, Privileges and Elections, Printing, Public Health and Military, jointly, one clerk.

The Committee on Engrossed Bills, and Enrolled Bills, jointly, one clerk.

The clerks herein provided for shall be paid four dollars per diem as other clerks in the Senate are paid upon the certificate of the chairman of the committees which they serve.

Which was, under a suspension of the rules, adopted.

Mr. Acker offered the following resolution:

S. R. 15. Resolved by the Senate, That the Doorkeeper of the Senate be, and he is hereby authorized and instructed to purchase for the use of the Secretary of the Senate, one new typewriter to be used by said Secretary in preparing the Journal of the Senate. Said typewriter to be and remain the property of the State of Alabama.

Which was, under a suspension of the rules, adopted.

#### INDEFINITE POSTPONEMENT OF RESOLUTION.

On motion of Mr. Acker the further consideration of:

S. J. R. 8. Be it resolved by the Senate, the House concurring, That the revenue bill be adopted by the Legislature before any new appropriations be made for any purpose except the usual appropriations for the running expenses of the State.

Was indefinitely postponed by the Senate.

#### RECOMMITTMENT OF BILL.

On motion of Mr. Rogers of Lauderdale, the bill:

S. 8. To amend chapter 230 of the Code of Alabama of 1907, relating to hotels and innkeepers, and to include therein regulations of cafes, restaurants and eating places.

Was recalled from the Standing Committee on Rules and referred to the Standing Committee on Agriculture.

## LEAVE OF ABSENCE.

On motion of Mr. Brown, leave of absence was granted him for tomorrow.

## ADJOURNMENT.

On motion of Mr. Acker, the Senate, at 2:45 o'clock P. M., adjourned until 10 o'clock tomorrow morning.

## FIFTH DAY.

Saturday, January 18th, 1919.

The Senate met pursuant to adjournment, President Pro Tem Bedsole presiding.

## PRAYER.

By Rev. Mr. Partridge, of the House.

## ROLL CALL.

Messrs:			
Acker	Craft	Moore	Rogers (Lauderdale)
Baker	Espy	Morris	Rogers (Sumter)
Beale	Evins	Nance	Sims
Bedsole	Gunter	Norwood	Smith (Lawrence)
Briscoe	Harper	Phillips	Tally
Brown	Kelly	Prestwood	West
Butler			

—25

## JOURNAL.

On motion of Mr. Evins, the reading of the Journal of yesterday was dispensed with and same was approved by the Senate.

## INTRODUCTION OF BILLS.

Upon the call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Brown:

S. 59. To license medical officers of the V. M. R. C., who have seen active service in the U. S. Army, and who have the proper qualifications to practice medicine in Alabama without an examination.

Public Health.



By Mr. Moore:

S. 60. To declare all State lands, whether held in fee or in trust by the State, forest reserves and game refuges; to prohibit the cutting of any tree or timber thereon, or setting fire to any inflammable substance growing on the same; to make it unlawful for any person to hunt, trap, net or otherwise kill or take any of the protected wild animals or resident birds thereon; to provide penalties for the violation of the provisions of this act, and to provide procedure in all cases where the State's right or title to such lands is brought into question or interposed as defense by any person on trial for violation of this act.

Fish, Game and Forestry.

By Mr. Moore:

S. 61. To provide for the better enforcement of the game and fish laws; to provide for the appointment of deputy game and fish wardens in the several counties of this State and to prescribe their duties.

Fish, Game and Forestry.

By Mr. Moore:

S. 62. To change the date of the expiration of hunters' licenses from December 31st each year to September 30th each year; and to permit all persons to whom hunters' licenses have been issued for the calendar year 1919 to exchange such licenses during the month of September, 1919, for hunters' licenses expiring September 30, 1920, upon the surrender of the hunters' licenses issued to them for the calendar year 1919, and allowing them a credit in the amount of one-fourth of the purchase price of such licenses.

Fish, Game and Forestry.

By Mr. Moore:

S. 63. To amend section 6899, chapter 219 of the Code of Alabama. (Relates to poisoning streams or using explosive substances to catch fish.)

Revision of Laws.

By Mr. Moore:

S. 64. For the further protection of fish. To make it unlawful for any person to take or catch fish by the means of any net, seine, trap, or any other device as a substitute therefor, in any of the creeks, rivers or other streams, or in any of the estuaries, lagoons or lakes emptying into any of the salt waters, or bays of this State, and to prescribe penalties for the violation of the provisions of this act.

Fish, Game and Forestry.

By Mr. Moore:

S. 65. To protect wild fur-bearing animals; to provide a season during which they may be legally trapped or taken; to provide a license for those engaged in trapping wild fur-bearing animals; and to provide penalties for the violation of this act.

Fish, Game and Forestry.

By Mr. Kelly:

S. 66. To amend an act approved September 15th, 1915, entitled "An act to require all county solicitors, all circuit solicitors, any solicitors of any court of record to give opinions to all county officials in all matters connected with their offices, except in suits against official bonds."

Judiciary.

By Mr. Huddleston:

S. 67. To declare the suspension of the corporate functions of certain towns and cities for the revival of such corporate functions.

Municipalities and Municipal Organizations.

#### REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gunter:

S. 48. To fix the compensation to be paid by the county to sheriffs, deputy sheriffs and sheriffs' clerks in counties having a population exceeding eighty-two thousand (82,000) and not more than one hundred thousand (100,000) according to the last Federal census and to provide for the payment of the same out of the general fund of such counties.

By Mr. Sims:

S. 49. That section 4109 of the Code of Alabama be and the same is hereby amended so as to read as follows.

By Mr. Acker:

S. 15. To amend section 6657 of the Code of Alabama.

By Mr. McDowell:

S. 34. To amend section 3101 of the Code.

Mr. Phillips, chairman of the Standing Committee on Fish, Game and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Espy (amendment):

S. 58. To amend section 6964 of chapter 224 of the Code of 1907. (Relates to open season on squirrels.)

BILL TAKEN FROM CALENDAR AND RECOMMITTED.

On motion of Mr. West, the bill:

S. 21. To amend sections 1392, 1393 and 1394 of the Code of 1907.

Was taken from the calendar and re-referred to the Standing Committee on Local Legislation.

BILLS ON THIRD READING.

The bill:

H. 1. To fix and prescribe the salary of the governor of Alabama and the manner of paying the same.

Was read a third time at length and passed.

Yeas, 21; nays, 5.

Yeas:

Messrs:

Acker	Craft	Huddleston	Rogers (Lauderdale)
Beale	Espy	Kelly	Rogers (Sumter)
Bedsale	Evins	Norwood	Sims
Briscoe	Gunter	Phillips	Smith (Lawrence)
Brown	Harper	Prestwood	West
Butler			

—21

Nays:

Messrs:

Baker	Morris	Nance	Tally
Moore			

—5

The bill:

S. 27. To establish the court of county commissioners for Covington county, Alabama; to provide for the selection of its members and fix their duties and compensation; to fix the duties and jurisdiction of the court; to divide the county into commissioner's districts, and to abolish the board of revenue of said county.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Acker	Craft	Moore	Rogers (Lauderdale)
Baker	Espy	Morris	Rogers (Sumter)
Beale	Evins	Nance	Sims
Bedsale	Gunter	Norwood	Smith (Lawrence)
Briscoe	Harper	Phillips	Tally
Brown	Huddleston	Prestwood	West
Butler	Kelly		

—26

Nays:—None.

## RESOLUTIONS.

Mr. Smith of Lawrence offered the following joint resolution:  
S. J. R. 16. Resolved by the Senate, the House concurring, that the Legislature of Alabama hereby endorses the fourteen points of peace promulgated by President Wilson as a basis for a permanent and just world peace.

Resolved further, that a copy of this resolution be transmitted by the presiding officer of the Senate and the House of Representatives to the acting secretary of State at Washington, with the request that the president be advised in reference to the endorsement of his peace program by the Legislature of Alabama.

Upon motion of Mr. Smith, the rules were suspended and said resolution adopted by the Senate.

Mr. Rogers of Sumter offered the following resolution:

S. J. R. 17. Resolved by the Legislature of Alabama, That the senators and representatives from Alabama in the Congress of the United States be requested to procure from the Federal government a grant of so much of the land and buildings of Camp McClellan, near Anniston, Alabama, as will be sufficient to establish therein a sanatorium for the treatment of persons suffering from tuberculosis and for the dissemination of correct information and to avoid and prevent the spread of that disease.

Which was read and referred to the Standing Committee on Rules.

Mr. Craft offered the following joint resolution:

S. J. R. 18. Be it resolved by the Senate, the House of Representatives concurring, as follows:

1. That the following amendment of the Constitution of Alabama be and is proposed: That is to say, that section 178 of the Constitution be amended so that it shall read as follows:

Section 178. To entitle a person to vote in any election by the people, he shall have resided in the State at least one year, in the county six months, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid, on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year nineteen hundred and one, and for each subsequent year; provided, that any elector, who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town

or city, shall have the right to vote in the precinct or ward from which he has so removed, if he should have been entitled to vote in such precinct or ward but for such removal.

Which was read at length as required by the Constitution, and referred to the Standing Committee on Constitution, Constitutional Revision and Amendments.

#### BILL RETURNED AND RECOMMITTED.

Mr. Acker, chairman of the Standing Committee on Judiciary, returned to the Senate:

S. 46. To repeal an act entitled an act "to authorize persons who have practiced dentistry or dental surgery in the State of Alabama for twenty years or more to practice the same.

And moved that said bill be recommitted to the Standing Committee on Public Health, which motion prevailed, and the President Pro Tem and Presiding Officer of the Senate thereupon re-referred said bill to the Standing Committee on Public Health.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed:

H. J. R. 6. Relative to ratifying a proposed amendment to the Constitution of the United States of America.

Your signature thereto is requested.

Fred H. Gormley,  
Clerk.

#### SIGNING OF JOINT RESOLUTION.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following joint resolution:

H. J. R. 6. Relative to ratifying a proposed amendment to the Constitution of the United States of America.

#### MESSAGE FROM THE GOVERNOR.

*To the Senate and House of Representatives:*

I am sending you this message that you may be fully informed as to the condition of the treasury up to and including your last session during the present administration.

In the message which was transmitted to your bodies dealing with the affairs of the State generally, the statement was made in that message that by February 20th, 1919, all outstanding warrants would either be paid or that there would be sufficient funds in the treasury to liquidate them. It is my pleasure to communicate to you that this has been accomplished

before the date named in the general message. The amount of the outstanding warrants at the close of business last night was, \$249,377.68; the cash balance in the treasury at that time was \$286,417.92, leaving a cash balance in excess of all warrants of \$37,040.24. In addition to this, other deposits were reported on yesterday by various county officials as having been deposited in State depositories amounting to \$52,996.49. The report of these deposits having come in after the close of the banks for the day the certification of them into the State treasury was impracticable, but the funds were available for use. Taking into consideration these amounts, the cash balance in the treasury after deducting all outstanding warrants would have been \$90,036.73. Included in the outstanding warrants are about \$40,000 which have been accumulating for the past twenty or twenty-five years, that for some reason, have never been presented and are not likely to be in the future.

There is a constitutional note of \$300,000, with interest, that is due on April 1, that is not taken into consideration. In a few days, however, there will be a sufficient balance in the treasury to provide for this also. The receipts of the State treasury for the next two months will exceed the expenditures, after which time the expenses will exceed the revenues, and during the present fiscal year, as pointed out to you in my general message of the 14th, it will become necessary to make financial arrangements from time to time to provide for the payment of some \$800,000 of warrants in order that the State's obligations may be promptly met. One more year, however, under present conditions will obviate any necessity of resorting to financial institutions in order that the State may meet its obligations as they occur.

It is a matter of general information, and of direct personal knowledge to many members of your bodies, that four years ago in order that the treasury could accumulate funds with which to pay past matured agreements made with financial institutions by the former governor, it became necessary to withhold the payment of all warrants then being issued in order to accumulate funds to meet those obligations. This unpleasant duty was applied to the members of the Legislature as well as other officers and beneficiaries. It was regrettable at that time that such publicity had to be given to the State's financial condition, but it was necessary at that time in order to protect agreements that had been made by the former executive.

Charles Henderson,  
Governor.

January 18, 1919.

#### GOVERNOR'S MESSAGE.

The above message from His Excellency, the Governor, was read and referred to the Standing Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following bill:

H. 1. To fix and prescribe the salary of the governor of Alabama and the manner of paying the same.

Your signature thereto is requested.

Fred H. Gormley,  
Clerk.

## SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, immediately after the bill had been publicly read at length by the Secretary of the Senate, signed the following bill:

H. 1. To fix and prescribe the salary of the governor of Alabama and the manner of paying the same.

## BILLS ON THIRD READING RESUMED.

The bill:

S. 25. To prescribe the limitation within which actions to test the validity of municipal bonds or elections to levy taxes or to issue bonds shall be commenced.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Acker	Craft	Moore	Rogers (Lauderdale)
Baker	Espy	Morris	Rogers (Sumter)
Beale	Evins	Nance	Sims
Bedsole	Gunter	Norwood	Smith (Lawrence)
Briscoe	Harper	Phillips	Tally
Brown	Kelly	Prestwood	West
Butler			

—25

Nays:—None.

The bill:

S. 24. To provide for the assessment and collection of municipal general and special taxes, without any commission or compensation whatsoever, in all cities in the State of Alabama having a population of more than 100,000, according to the last or any subsequent Federal census, and to repeal, etc., section 36 or 37 of an "Act to provide for and regulate the assessment, levy and collection of municipal taxes of all cities in the State of Alabama having over 100,000 population, according to the last Federal or State census, or according to any succeeding Federal or State census, to define the duties of the State, county or municipal officers in regard thereto, to fix a tax year for such cities, and to make the county tax collector of each county ex-officio the collector of property tax for each of said cities within the county," approved March 4th, 1911.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

*Yeas :*

Messrs:

Acker	Butler	Leith	Rogers (Lauderdale)
Baker	Craft	Moore	Rogers (Sumter)
Beale	Espy	Nance	Sims
Bedsole	Evins	Norwood	Smith (Lawrence)
Briscoe	Gunter	Phillips	Tally
Brown	Harper	Prestwood	West

—24

*Nays :—None.*

The bill:

S. 23. To authorize municipalities to maintain a bill in equity in the name of the city to abate or enjoin a public nuisance injurious to the health, morals, comfort or welfare of the community.

Was taken up.

The Committee on Municipalities and Municipal Organizations offered the following amendment to said bill:

To amend S. 23 by adding at the end thereof and incorporating therein the following:

Provided such municipality shall not be required to execute bond in such cases.

Which was lost.

Yeas, 2; nays, 19.

*Yeas :*

Messrs:

Phillips	Sims
----------	------

—2

*Nays :*

Messrs:

Acker	Espy	Morris	Rogers (Sumter)
Beale	Evins	Nance	Smith (Lawrence)
Bedsole	Gunter	Norwood	Tally
Briscoe	Harper	Prestwood	West
Butler	Kelly	Rogers (Lauderdale)	

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And said bill was then read a third time at length and passed.

Yeas, 24; nays, 0.

*Yeas :*

Messrs:

Acker	Butler	Moore	Rogers (Lauderdale)
Baker	Espy	Morris	Rogers (Sumter)
Beale	Evins	Nance	Sims
Bedsole	Gunter	Norwood	Smith (Lawrence)
Briscoe	Harper	Phillips	Tally
Brown	Kelly	Prestwood	West

—24

*Nays :—None.*



The bill:

S. 18. To authorize and empower all cities of the State of Alabama having more than 100,000 population according to the last or any subsequent Federal census to condemn or acquire by purchase or otherwise a right of way, easement or other interest in land for the purpose of connecting private property with the sanitary or storm sewerage system of any such city, and to assess the cost of the acquisition of such right of way, easement or other interest in such land, and the cost of constructing such connection against the property benefited thereby.

Was read a third time at length and passed.

Yeas, 21; nays, 4.

Yeas:

Messrs:

Acker	Espy	Nance	Rogers (Sumter)
Baker	Evins	Norwood	Sims
Bedsole	Gunter	Phillips	Smith (Lawrence)
Brown	Kelly	Prestwood	Tally
Butler	Morris	Rogers (Lauderdale)	West
Craft			

—21

Nays:

Messrs:

Beale	Briscoe	Harper	Moore
-------	---------	--------	-------

—4

The bill:

S. 19. To authorize and empower all cities of the State of Alabama which have a population of more than 100,000 according to the last or any subsequent Federal census, to construct, reconstruct, repair, renew or otherwise improve bridges, culverts and waterways, and to provide for an assessment of the cost thereof.

Was read a third time at length and passed.

Yeas, 25; nays, 1.

Yeas:

Messrs:

Acker	Craft	Kelly	Rogers (Lauderdale)
Baker	Espy	Moore	Rogers (Sumter)
Beale	Evins	Nance	Sims
Bedsole	Gunter	Norwood	Smith (Lawrence)
Briscoe	Harper	Phillips	Tally
Brown	Huddleston	Prestwood	West
Butler			

—25

Nays: Mr. Morris—1.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed:

S. 4. To amend section 3722 of the Code of 1907.  
And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Acker, the Senate concurred in the following amendments by the House to Senate bill No. 4, the title of which is set out in the foregoing message from the House, to-wit:

Amend by striking out the following: "In which event the cost bill shall be taxed against the party moving for the attachment.

#### TUNSTALL AMENDMENTS OFFERED "EN BLOC."

Amend by adding at the end the following section:

Provided the provisions of this act shall not apply in counties having a population of over 200,000 people by the last census or any succeeding census.

Amend subdivision of said bill relating to the collection of money under execution, by striking out the whole of said subdivision immediately following the words "Collecting money under execution" and by inserting in lieu thereof the following:

"For the first two hundred dollars, five per cent; for collecting all sums over two hundred dollars up to and including five hundred dollars, four per cent; and for collecting all sums in excess of five hundred dollars, three per cent; but no commission shall be collected on costs."

Amend the bill by striking out the words "seven thousand five hundred" where the same occur in next to last paragraph of said bill and insert in lieu thereof the words "five thousand."

Also amend by inserting after circuit court the following: "When a jury is in attendance."

Yeas, 25; nays, 0.

*Yeas:*

Messrs:

Acker

Baker

Beale

Bedsole

Briscoe

Brown

Butler

Craft

Espy

Evins

Gunter

Harper

Huddleston

Kelly

Morris

Nance

Norwood

Phillips

Prestwood

Rogers (Lauderdale)

Rogers (Sumter)

Sims

Smith (Lawrence)

Tally

West

—25

*Nays:*—None.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in:

S. J. R. 16. Relative to the two houses endorsing the fourteen points promulgated by President Wilson.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 5. To amend an act entitled, "An act to fix the compensation of circuit judges, circuit solicitors and assistant solicitors in all circuits of the State of Alabama which circuits are composed of only one county and having two or more judges, or which circuits may hereafter have two or more judges and to provide that a portion of such salaries be paid out of the county treasury of the counties constituting the respective circuits," by amending the title of said act, and by adding thereto an additional section.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## BILLS ON THIRD READING RESUMED.

The bill:

S. 17. To regulate the assessment of cost of public improvements against property by municipalities, and to provide a method by which assessments originally levied against a tract of land may be split and divided among the interested property owners, and providing for the correction of errors in the descriptions of ownerships, and for reducing the assessments before, pending appeal, or after an appeal has been decided, and authorizing the governing bodies of cities to settle and compromise cases of assessments or judgments thereon.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Acker  
Baker  
Bedsole  
Briscoe  
Brown  
Butler

Craft  
Espy  
Evins  
Gunter  
Harper  
Kelly

Moore  
Morris  
Nance  
Norwood  
Phillips

Prestwood  
Rogers (Lauderdale)  
Smith (Lawrence)  
Tally  
West

—22

Nays:—None.

The bill:

S. 29. To further suppress the evils of intemperance; to restrict the receipt, possession and delivery of spirituous, vinous, malted, fermented or other intoxicating or prohibited liquors and beverages and fixing punishment and penalties.

Was taken up.

The following amendment offered by the Standing Committee on Temperance, to-wit:

Amend Senate bill 20 by adding at the end of section 13 the following words:

Provided, however, if the arrest and seizure of such property is made by an officer or employee of any municipality of this State, that such municipality shall receive one-half of the remainder of the proceeds derived from the sale of such property, after the costs and expenses (including payment to officers and informers hereinabove provided for) are paid. The said portion of the monies derived from such proceeds shall be paid into the treasury of such municipality, and used and applied as a law enforcement fund, under the supervision and control of the governing body of such municipality, and the remaining half shall be paid to the law enforcement fund in the State treasury.

Was adopted.

Yeas, 18; nays, 3.

Yeas:

Messrs:

Acker	Espy	Norwood	Sims
Bedsole	Harper	Phillips	Smith (Lawrence)
Briscoe	Kelly	Prestwood	Tally
Brown	Morris	Rogers (Sumter)	West
Butler	Nance		

—18

Nays:

Messrs:

Baker	Evins	Rogers (Lauderdale)
-------	-------	---------------------

—3

The Standing Committee on Temperance also offered the following amendment to said bill, to-wit:

Amend the bill by adding at the end of section 13 the following:

That any contraband vehicles, including automobiles heretofore seized under existing laws, as having been used in the unlawful transportation of any prohibitive liquor, may be condemned and sold, or may be otherwise disposed of under the procedure prescribed by this act as the case may require, and the proceeds of sale be distributed and applied to and for the purpose herein prescribed; all receptacles of prohibited liquor such as hand-bags, suit-cases, or trunks, which have been seized in law

enforcement and which are in the custody of any person or officer, after conviction of parties from whom seized of the violation of the law in respect thereto, shall be sold, after notice of sale by advertisement in a newspaper published in the county for ten days in a daily paper, or for two issues in a weekly paper, and the proceeds of the sale be paid into the city treasury, if sale is made by a city officer or a custodian of such contraband seized by city officers, or to the law enforcement fund in the State treasury created by this act, if made by any other officer or custodian. In cases of all contraband property, under the laws of Alabama, growing out of prohibitory laws or their enforcement, there shall be a remedy by bill filed in the name of the State by the officer or other person in accordance with any provisions of this or other prohibitory acts in the name of the State, to secure a decree, sale and distribution of the proceeds in accordance with the provisions of this act. This clause being adopted to provide a remedy in all cases, to secure disposition, sale or destruction of contraband property, because of a violation of any prohibitory law.

Which was adopted.

Yeas, 19; nays, 5.

*Yeas:*

Messrs:

Acker	Butler	Morris	Rogers (Sumter)
Beale	Craft	Nance	Sims
Bedsole	Espy	Norwood	Smith (Lawrence)
Briscoe	Harper	Phillips	West
Brown	Kelly	Prestwood	

—19

*Nays:*

Messrs:

Baker	Moore	Rogers (Lauderdale)	Tally
Evins			

—5

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 20; nays, 6.

*Yeas:*

Messrs:

Acker	Butler	Kelly	Prestwood
Beale	Craft	Morris	Rogers (Sumter)
Bedsole	Espy	Nance	Sims
Briscoe	Harper	Norwood	Smith (Lawrence)
Brown	Huddleston	Phillips	West

—20

*Nays:*

Messrs:

Baker	Gunter	Rogers (Lauderdale)	Tally
Evins	McDowell		

—6

## ELECTION OF BOARD OF PUBLIC SAFETY FOR MONTGOMERY.

Mr. Acker moved that unanimous consent of the Senate be granted to take up the election of the members of the board of public safety of the city of Montgomery, which motion prevailed, and the Senate proceeded with the election of the members of said board of public safety.

Thereupon, Mr. Gunter nominated for members of said board of public safety of the city of Montgomery:

- (1) George S. Peagler,
- (2) J. B. Brice,
- (3) Clifford Lanier.

Mr. Acker nominated for members of said board of public safety of the city of Montgomery:

- (1) Matthew S. Whitfield,
- (2) T. Lawrence Bear,
- (3) Arthur M. Meade.

The President Pro Tem and Presiding Officer of the Senate announced that the vote for said members would be taken separately.

The roll being called, Mr. Peagler received the following votes:

Yeas, 11; nays, 15.

*Yeas:*

Messrs:

Baker	Gunter	Rogers (Lauderdale)	Tally	
Craft	McDowell	Rogers (Sumter)	West	
Evins	Norwood	Smith (Lawrence)		—11

*Nays:*

Messrs:

Acker	Brown	Kelly	Phillips	
Beale	Butler	Moore	Prestwood	
Bedsole	Espy	Morris	Sims	
Briscoe	Harper	Nance		—15

Mr. Peagler having failed to receive a majority of the votes cast, was declared defeated as a member of said board of public safety.

Thereupon, the name of Mr. J. B. Brice was placed before the Senate, and Mr. Brice received the following vote:

Yeas, 11; nays, 14.

*Yeas:*

Messrs:

Baker	Gunter	Rogers (Lauderdale)	Tally	
Craft	McDowell	Rogers (Sumter)	West	
Evins	Nance	Smith (Lawrence)		—11

*Nays:*

## Messrs:

Acker	Brown	Leith	Phillips
Beale	Butler	Morris	Prestwood
Bedsole	Espy	Nance	Sims
Briscoe	Harper		

—14

Mr. Brice having failed to receive a majority of the votes cast, was declared defeated as a member of said board of public safety.

The name of Mr. Clifford Lanier was then placed before the Senate, and the following votes cast:

Yeas, 11; nays, 15.

*Yeas:*

## Messrs:

Baker	Gunter	Rogers (Lauderdale)	Tally
Craft	McDowell	Rogers (Sumter)	West
Evins	Norwood	Smith (Lawrence)	

—11

*Nays:*

## Messrs:

Acker	Brown	Leith	Phillips
Beale	Butler	Moore	Prestwood
Bedsole	Espy	Morris	Sims
Briscoe	Harper	Nance	

—15

The name of Mr. Matthew S. Whitfield was placed before the Senate, and those who voted for Mr. Whitfield are:

Yeas, 16; nays, 7.

*Yeas:*

## Messrs:

Acker	Brown	Kelly	Nance
Beale	Butler	Moore	Phillips
Bedsole	Espy	Morris	Prestwood
Briscoe	Harper	McDowell	Sims

—16

*Nays:*

## Messrs:

Baker	Gunter	Rogers (Lauderdale)	West
Craft	Norwood	Tally	

—7

Mr. Whitfield having received a majority of the votes cast, was declared duly and constitutionally elected a member of the board of public safety of the city of Montgomery for the term prescribed by law.

The name of Mr. T. Lawrence Bear was then placed before the Senate, and Mr. Bear received the following votes:

Yeas, 15; nays, 8.

*Yeas:*

Messrs:

Acker	Brown	Kelly	Phillips
Beale	Butler	Moore	Prestwood
Bedsole	Espy	Morris	Sims
Briscoe	Harper	Nance	

—15

*Nays:*

Messrs:

Baker	Gunter	Norwood	Tally
Craft	McDowell	Rogers (Lauderdale)	West

—8

Mr. Bear having received a majority of the votes cast, was declared duly and constitutionally elected a member of the board of public safety for the city of Montgomery for the term prescribed by law.

And the name of Mr. Arthur M. Meade being placed before the Senate, Mr. Meade received the following votes:

Yeas, 15; nays, 7.

*Yeas:*

Messrs:

Acker	Brown	Kelly	Phillips
Beale	Butler	Moore	Prestwood
Bedsole	Espy	Morris	Sims
Briscoe	Harper	Nance	

—15

*Nays:*

Messrs:

Baker	Gunter	Rogers (Lauderdale)	West
Craft	McDowell	Tally	

—7

Mr. Meade having received a majority of the votes cast, was declared duly and constitutionally elected a member of the board of public safety for the city of Montgomery for the term prescribed by law.

And the Secretary of the Senate was directed to certify the election of Mr. Matthew S. Whitfield, T. Lawrence Bear and Arthur M. Meade, as members of the board of public safety of the city of Montgomery, Alabama, for the term prescribed by law, to the governor of the State of Alabama.

#### REPORT OF THE SECRETARY OF THE SENATE.

Mr. President:

As hereinabove directed, I beg to report that in compliance with the directions of the Senate, I have certified the election by the Senate of Mr. Matthew S. Whitfield, T. Lawrence Bear and Arthur M. Meade as members of the board of public safety of



the city of Montgomery, Alabama, for the term prescribed by law, to the governor of the State of Alabama.

W. F. Miller,  
Secretary.

#### LEAVES OF ABSENCE.

On motion of Mr. Evins, leave of absence was granted to Mr. Ellis and Mr. Miller.

#### RETURN AND RECOMMITMENT OF BILL.

Mr. West, chairman of the Standing Committee on Local Legislation, returned to the Senate:

S. 21. To amend sections 1392, 1393 and 1394 of the Code of 1907.

And moved that said bill be recommitted to the Standing Committee on Revision of Laws, which motion prevailed, and the President Pro Tem and Presiding Officer of the Senate re-referred said bill to the Standing Committee on Revision of Laws.

#### RECESS.

At 1:30 o'clock P. M., on motion of Mr. Morris, the Senate took a recess until 3 o'clock this afternoon.

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#### AFTERNOON SESSION.

January 18, 1919.

The Senate re-assembled at 3 o'clock P. M., President Pro Tem Bedsole presiding.

#### ROLL CALL.

On a call of the roll, 23 senators answered to their names, a quorum of the Senate.

#### LEAVES OF ABSENCE.

On motion of Mr. Kelly, leave of absence was granted Mr. Huddleston.

On motion of Mr. Acker, leave of absence was granted Mr. Leith.

## REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills, beg leave to report that said committee, in session, have compared the following S. J. R. and enrolled bill, with the original bill and resolutions, respectively, and find same correctly enrolled, to-wit:

S. J. R. 2. Resolved, That the Senate of Alabama be governed by the rules of the Senate as adopted in session of 1915, and as set forth in Senate Journal 1915, Vol. 1, page 264, et seq., until new rules are adopted by this Senate, with the following qualifications.

S. 5. To amend an act entitled "An act to fix the compensation of circuit judges, circuit solicitors, and assistant solicitors in all circuits in the State of Alabama which circuits are composed of only one county and having two or more judges, or which circuits may hereafter have two or more judges, and to provide that a portion of such salaries be paid out of the county treasury of the counties constituting the respective circuits" by amending the title of said act and by adding thereto an additional section.

S. J. R. 16. Relative to the two houses endorsing the fourteen peace points promulgated by President Wilson.

Approved:

C. S. McDowell, Jr.,  
Chairman.

## SIGNING OF JOINT RESOLUTION AND BILLS.

The President Pro Tem and Presiding Officer of the Senate, in the presence of the Senate, immediately after they had been publicly read at length by the Secretary, signed the following Senate joint resolutions and bill:

S. J. R. 2. Resolved, That the Senate of Alabama be governed by the rules of the Senate as adopted in session of 1915, and as set forth in Senate Journal 1915, Vol. 1, page 264, et seq., until new rules are adopted by this Senate, with the following qualifications.

S. 5. To amend an act entitled "An act to fix the compensation of circuit judges, circuit solicitors, and assistant solicitors in all circuits in the State of Alabama which circuits are composed of only one county and having two or more judges, or which circuits may hereafter have two or more judges, and to provide that a portion of such salaries be paid out of the county treasury of the counties constituting the respective circuits" by

amending the title of said act and by adding thereto an additional section.

S. J. R. 16. Relative to the two houses endorsing the fourteen peace points promulgated by President Wilson.

#### INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. West:

S. 68. Relating to dependent, neglected, or delinquent children in all counties of Alabama which have a population of as many as one hundred and fifty thousand people according to the last Federal census, or which shall have such population according to any such census that may be taken hereafter; to define who are dependent, neglected or delinquent children; to declare that such children shall be wards of the State; to provide for their custody, discipline, supervision, care, protection, guardianship and welfare; to create and establish in such counties juvenile courts, and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction, under the terms of this act, to try and determine the question of the dependency, neglect or delinquency of children in such counties, and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training; and generally to confer upon such courts jurisdiction and power to try and determine all questions arising under the terms of this act, or which may be otherwise referred to them by law, for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this act; to provide for the trial and punishment of those who aid, abet, cause, connive at, or contribute to the dependency, neglect, or delinquency of such children; to provide and regulate the procedure in such cases, and to confer power upon such courts to make such rules and regulations and to devise such forms, where not otherwise provided for under the terms of this act, as shall be found necessary or convenient to the exercise of its jurisdiction, or which shall be necessary or convenient for the conduct of the county shelter, or parental school, or for the conduct of probation officers, or their work as provided for in this act; to provide for the taking and enforcement of recognizances and bonds, and for the taking of appeals from the decisions of such courts; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has

shown himself or herself to be unamenable to the discipline provided for such delinquent under the terms of this act; to provide for the establishment and maintenance of a detention home, or parental school, and for the appointment and compensation of probation officers; to provide for the appointment of a referee or referees and to define their power and duties; to provide for the appointment of an advisory board to such courts, and to define the duties and powers of such boards to provide for the appointment of the judge and other officers of such courts and to define their powers and duties and provide for their compensation; to declare that should any part of this act be found to be unconstitutional that it shall not affect the remainder thereof, and to provide for the repeal of all laws in conflict with this act.

Local Legislation.

By Mr. Bedsole:

S. 69. To regulate the practice of public accountancy by creating a State board of public accountancy, fixing its fees and emoluments, to prohibit the unlawful use of words, letters of other means of identification by unauthorized persons, as certified public accountants under this act, and to provide penalties for the violation of its provisions.

Judiciary.

#### BILLS ON THIRD READING.

The bill:

S. 31. To amend sections 7 and 23a of an act approved April 24th, 1911, entitled, "An act for the regulation and control of fraternal benefit societies and repealing said sections 7 and 23a," and authorizing issuance of certificates to children and a basis of valuation of assets.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Acker	Craft	Morris	Rogers (Lauderdale)
Baker	Espy	McDowell	Rogers (Sumter)
Beale	Evins	Nance	Sims
Bedsole	Gunter	Norwood	Smith (Lawrence)
Briscoe	Harper	Phillips	Tally
Butler	Kelly	Prestwood	West
Carlton	Moore		

—26

Nays:—None.

#### PRIVILEGES OF THE FLOOR.

On motion of Mr. Rogers of Sumter, the privileges of the floor were granted to Mr. Tom Seale of Sumter.

## RESOLUTION.

Mr. Prestwood offered the following resolution:

S. R. 19. A resolution amending Senate resolution No. 14 so that the same will read as follows:

"Be it resolved by the Senate, That the chairmen of the following committees are hereby authorized to employ clerks to serve such committee during the present session, to-wit:

The Committee on Judiciary, one clerk.

The Committee on Revision of Laws, one clerk.

The Committee on Finance and Taxation, one clerk.

The Committees on Local Legislation and Fish, Game and Forestry, jointly, one clerk.

The Committee on Education, one clerk.

The Committees on Constitution and Constitutional Revision and Amendments, Banking and Insurance, Mining and Manufactories and Temperance, jointly, one clerk.

The Committees on Penitentiary, Prison and Prison Punishment, Commerce and Common Carriers, Counties and County Boundaries, Revision of Journal and Public Roads and Highways, jointly, one clerk.

The Committees on Immigration and Industrial Resources, Public Buildings and Grounds, Privileges and Elections, Printing, and Military, jointly, one clerk.

The Committees on Agriculture, Municipalities and Municipal Organizations, Public Health and Corporations, jointly, one clerk.

The Committees on Engrossed Bills and Enrolled Bills, jointly, one clerk.

The clerks herein provided for shall be paid four dollars per diem as other clerks in the Senate are paid upon the certificate of the chairman of the committees which they serve."

Which was, under a suspension of the rules, unanimously adopted.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 7. To further suppress the evils of intemperance; to restrict the receipt, possession and delivery of spirituous, vinous, malted, fermented or other intoxicating or prohibited liquors and beverages and fixing punishment and penalties.

And sends same herewith to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

## HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 7. Temperance.

## ADJOURNMENT.

On motion of Mr. Acker, the Senate at 5:30 o'clock P. M., adjourned until 2:30 o'clock Tuesday afternoon, January 21, 1919.

## SIXTH DAY.

Tuesday, January 21, 1919.

The Senate met at 2:30 P. M., pursuant to adjournment, President Pro Tem Bedsole presiding.

## PRAYER.

By Rev. Mr. Ingram, of the House.

## ROLL CALL.

Messrs:			
Acker	Cowan	Kelly	Phillips
Baker	Craft	Leith	Rogers (Lauderdale)
Beale	Ellis	Moore	Rogers (Sumter)
Bedsole	Espy	Morris	Sims
Briscoe	Evins	McDowell	Smith (Coosa)
Butler	Griffith	Nance	Tally
Carlton	Harper	Norwood	West
Carmichael	Huddleston		

—30

## JOURNAL.

On motion of Mr. Morris, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## PRIVILEGES OF THE FLOOR.

On motion of Mr. McDowell, the privileges of the floor were extended to Mr. T. G. Wilkerson, of Barbour.

On motion of Mr. Acker, privileges of the floor were extended to Mr. J. L. Whitley, of Calhoun.

On motion of Mr. Beale, the privileges of the floor were extended to Messrs. Sam Will John, of Selma, and Spessard, of Perry.

On motion of Mr. Butler, the privileges of the floor were extended to Hon. H. B. Chase, mayor of Huntsville, Alabama.

#### OATH OF LIEUTENANT GOVERNOR MILLER.

The President Pro Tem and Presiding Officer of the Senate, announced that the oath of office would now be administered to Hon. Nathan L. Miller, Lieutenant Governor.

Whereupon, Mr. Miller came forward and took the following oath:

I, Nathan L. Miller, solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Alabama so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability. So help me God.

Nathan L. Miller.

Sworn to and subscribed before me this the 21st day of January, 1919.

T. J. Bedsole,  
Pres. Pro Tem.

After having taken and subscribed to the foregoing oath, the Lieutenant Governor took the Chair as President and Presiding Officer of the Senate, and the Senate proceeded with its regular business.

#### INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Griffith:

S. 70. To provide a better system of public roads for the county of Cullman, State of Alabama.

Public Roads and Highways.

With notice and proof attached and herewith exhibited as follows:

#### NOTICE.

The following is a proposed local law for Cullman county that will be introduced in the Legislature of Alabama at session 1919 by Senator A. A. Griffith:

#### AN ACT

To provide a better system of public roads for the county of Cullman, State of Alabama.

Be it enacted by the Legislature of Alabama, That the court of county commissioners of Cullman county, Alabama, at any regular or adjourned term in the year 1919, and at its November term each year thereafter, shall appoint three road commissioners of public roads, one of said members to be designated as chairman, one as secretary and one as treasurer, in each election precinct, in said county, except in precinct number one; the judge of probate of said county shall be the treasurer of said road commissioners in said precinct, who shall serve for a period of one year ending December 31, and from year to year thereafter, unless the commissioners court shall for cause remove such road commissioner.

Section Two. Be it further enacted, That the three road commissioners mentioned in section one of this act shall within ten days from the date of their appointment ~~qualify by executing a bond~~ in a sum to be prescribed by the commissioners court, with two good and sufficient sureties, conditioned for the faithful performance of their duties, and the treasurer, in addition thereto, for the accountability of all monies coming into his hands as such treasurer, said bonds to be approved by the probate judge of said county, and said bonds to be filed with the commissioners court and said road commissioners also to take the oath of office now required by law, and after the said road commissioners have qualified it shall be the duty of the chairman to call a meeting of said road commissioners, in their respective election precincts in said county, and,

(1st) To divide up the public roads in said precincts in proper road sections or divisions and to appoint an overseer for each stretch of road so divided by them.

(2nd) To make a complete list of hands subject to road duty in their respective precinct and after the time in which all road hands are to pay a commutation fee has expired then said road commissioners shall apportion all road hands not paying said commutation fee and give a list thereof to each overseer and then decide in what manner the commutation fee shall be spent in the precinct and apportion said money to the different road or roads in said precinct.

Section Three. That all male citizens between the ages of eighteen and fifty years, not exempt by law, be subject to road duty in said county, and that they shall be required to work eight days on the public roads or to pay a commutation fee within thirty days after the passage of this law, and to pay such commutation fee annually thereafter between first day of January and February first, said commutation fee to be fixed for the year 1919 at any regular or adjourned term of the commissioners court, and for every year thereafter at the November term of said court for the ensuing year, and in fixing said fee the commissioners court shall be governed by what eight days unskilled manual labor would reasonably be worth, and said commutation fee shall be collected by the respective treasurers in each precinct, and be spent under and by the direction of said road commissioners in each precinct, said treasurer shall give each road hand a receipt for said commutation fee when paid.

Section Four. That exemption from duty shall only be granted by the commissioners court in any regular, adjourned or special session thereof, and when such exemption from road duty is granted the commissioners court shall issue to such exemptioner stating the duration of such exemption, and the same to be signed by the judge of probate, under his seal. Said exemption shall only be granted on proper proof that said road hand is not physically able to do manual labor on the farm or elsewhere, and said exemption not to be granted if said road hand in either his own name or that of his wife, or other person, assesses property for taxation to the value of one thousand dollars or over. If the cause of his disability is such



a defect that the same is not apparent, such person shall have the right to prove his ailment by two reputable physicians before the commissioners court.

Section Five. That in paying out monies in the hands of the treasurers the chairman and secretary shall issue a voucher, directed to the treasurer, ordering him to so pay, and all bills shall be passed and allowed by the three road commissioners, and any questions to be decided by said road commissioners each one shall have a vote in deciding such question and a majority shall control.

Section Six. That whenever any person over road age is willing to serve as a road commissioner they shall be eligible, but when in road age his compensation as such road commissioner shall be an exemption from road duty for the time he serves as such road commissioner. All overseers appointed shall be within road age and shall receive a commission signed by the chairman and secretary of the road commissioners.

Section Seven. That said road commissioners shall be notified, either in person or by mail, and a commission shall be delivered to them signed by the judge of probate under his seal of their appointment.

Section Eight. That the treasurer of the road commissioners shall in the year 1919, within thirty days after the time for collection of commutation fees has expired, and at the April term of the commissioners court each year thereafter report the names and the amount paid in commutation fees together with a list of hands not paying, a list of overseers appointed by the road commissioners, and at the November term of the commissioners court each year shall make an itemized report of the monies expended, showing the date, number of days, to whom and for what said commutation fees have been spent, and how many days each road has been worked and at the expiration of such year shall make a supplemental report showing such facts for the remainder of the year.

Section Nine. That it shall be the duty of the road commissioners to see that each person within road age who does not pay commutation fees works eight days on the public roads and the said road commissioners shall have the right to transfer any road hand to any and different roads in the precinct in which said road hand resides having regard for the road hand's proximity to such road.

Section Ten. That it shall be the duty of the overseers in each precinct to make a written report immediately after working the roads in each year to the road commissioners, stating the number of hands worked, the name of each, and the number of days so worked and the amount of money expended for labor, to whom to be paid, and it shall be the duty of the road commissioners upon reviewing such report showing the amount of money to be paid to issue a voucher in payment of same.

Section Eleven. That the road commissioners in the several precincts shall not expend any of the commutation fees for lumber or material, but that it shall be the duty of said road commissions to furnish a list to the commissioners court showing the amount of lumber and materially actually needed in their precinct for the repairing of bridges and culverts and the commissioners court shall have the right to authorize said road commissioners to purchase the material and make the necessary repairs on any bridge by culverts and the same shall be paid by the court of commissioners out of the special road and bridge fund of said county.

Section Twelve. That the overseers when appointed by the road commissioners shall be subject to the control of such road commissioners and the several road commissioners of the several precincts shall be subject to the control of the commissioners court of Cullman county, Alabama, and nothing in this act shall be construed as divesting the authority from the

commissioners court of said county as to control of the roads and bridges in said county, and the commissioners court shall have the right to direct and supervise any and all road work in the several precincts and to supplement the commutation fees so paid, and direct how the same shall be used.

Section Thirteen. That the county commissioners or commissioners court shall have the active control and management of the public roads and bridges in said county; the manner of working, maintaining, changing or locating the same, and granting new roads, and shall by deed or easement obtain right of ways for public road purposes, and shall have the right as provided under the general law as to condemnation proceedings for such purposes, and have the right to grant, open and establish private or settlement roads, and the general law as to opening, granting and establishing new, either public or private roads is hereby specially repealed.

Section Fourteen. That the general laws of Alabama with reference to the mode of warning hands to work on the roads, the notice to be given, the kind of tools or implements to be brought by the hands and also the general laws as to road defaulters and the punishment and prosecution of the same shall not be construed to be repealed by this act.

Section Fifteen. That the court of county commissioners of Cullman county may in its discretion, employ the convicts of said county in working and maintaining the public roads and bridges thereof, under such rules and regulations as they may adopt.

Section Sixteen. That the person, firm or corporation who directs any surface water from its natural course and allows the same to flow into, over or on any public road in said county, shall be guilty of misdemeanor and upon conviction shall be fined not more than ten dollars.

Section Seventeen. That any per- public road in said county, and in the cultivation of such land plows too near to the edge of any road and thereby permits earth or debris to obstruct the flow of water of any ditch or drainage connected with said road, shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars, and said fines when so paid, shall be turned over to the road commissioners in said precinct, on said road, and spent by them in repairing or damage done the said road.

Section Eighteen. That the overseers of the public roads in said county shall the power and authority to dismiss from service any hand whether working for himself, or as a hired hand, who shall fail or refuse to do good and sufficient work, or who shall hinder or delay other hands, or who shall refuse to obey any reasonable orders, and any such person may be proceeded against as though he had failed or refused to obey the notice to work on the road, for which he was warned.

Section Nineteen. That the overseers shall preserve carefully all the tools, and implements, for working on the road turned over to him at any time by the court of county commissioners, or by his predecessors, and shall use the same only to work on public roads and to deliver the same to his successor, and taking his receipt therefor, or on the order of the commissioners court.

Section Twenty. That the court of county commissioners may at any time remove any overseer of roads or road commissioner for neglect of duty, incompetency, drunkenness, or any other reasonable cause and in case of death, resignation or removal of any overseer or road commissioner, the commissioners court shall have the power and authority at any time to fill the vacancy thereby caused. In the case of removal of any overseer or road commissioner, or resignation he shall become at once liable to road duty, and his name added to the list of hands in his beat.

Section Twenty-one. That any overseer or road commissioner who fails to perform his duty as such under the provision of this act shall be

guilty of a misdemeanor and upon conviction shall be fined not less than five dollars and not more than twenty-five dollars.

Section Twenty-two. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same is hereby repealed.

The State of Alabama, }  
Cullman County. }

Before me, Agnes Baldauf, a notary public in and for said county and State, personally appeared J. C. Norwood, publisher of the Cullman Tribune, a weekly newspaper published in Cullman, Cullman county, Alabama, and being duly sworn, says the notice of which the attached is a true copy, was published in said newspaper, once a week for four successive weeks and being in the issues of said newspaper of the following dates, viz., December 26, 1918, and January 2, 9, and 16, 1919.

J. C. Norwood,  
Publisher.

Sworn to and subscribed before me this the 18th day of January, 1919.

Agnes Baldauf,  
Notary Public.

By Mr. Tally:

S. 71. To provide for the levy and collection of an inheritance or succession tax for the State of Alabama.

Finance and Taxation.

By Mr. Tally:

S. 72. To amend section 4196 of the Code.

Revision of Laws.

By Mr. Tally:

S. 73. To amend section 4227 of the Code.

Revision of Laws.

By Mr. Acker:

S. 74. To better secure the administration of the financial affairs of the State in respect to expenditures and appropriations; and for that purpose to establish a State budget commission, and prescribe rules and regulations governing the same.

Finance and Taxation.

By Mr. Sims:

S. 75. To confer upon clerks of the circuit court of all the counties of the State of Alabama, except counties having a population of more than fifty thousand people, according to the last preceding Federal census, all the powers, authority and jurisdiction of registers in chancery and registers of the circuit court, and to require them to perform all the duties required of registers in chancery and registers of the circuit court by law.

Judiciary.

By Mr. Sims:

S. 76. To amend an act entitled "An act to re-establish the county courts which are provided for in article three (3) of chapter one hundred and ninety-eight (198) of the Code of Alabama in all counties wherein the same have heretofore been abol-

ished, except in counties having a population of fifty thousand or more according to the last preceding Federal census, and to define the power, jurisdiction and duty of all the county courts which are hereby re-established and all the county courts which are provided for by article three (3) of chapter one hundred and ninety-eight (198) of the Code of Alabama, and to prescribe the manner in which prosecutions shall be begun, tried and determined therein and appeals taken therefrom, and to transfer all indictments pending in any county court to the circuit court of the county where found for trial therein, and to repeal all laws, whether local, general or special, in conflict with the provisions of this act."

**Judiciary.**

By Mr. West:

S. 77. To create and establish a State health system for the State of Alabama; to provide for the selection of boards of health, health officers, and the subordinate organizations necessary for carrying same into effect; to prescribe the duties and powers of said boards of health and health officers; to provide regulations for the preservation, maintenance, promulgation and enforcement of health regulations and laws; and to provide appropriations for same.

**Public Health.**

By Mr. McDowell:

S. 78. To permit newspaper editors to accept free transportation from railroads in exchange for space and advertisements in their papers, and to permit the free use of such railroad transportation on railroads in Alabama by the editors holding the same.

**Commerce and Common Carriers.**

By Mr. Baker:

S. 79. To amend an act entitled an act to amend an act to amend section 6964 of the Criminal Code of 1907.

**Fish, Game and Forestry.**

By Mr. Phillips:

S. 80. To amend section 1348 of the Code of Alabama.

**Education.**

By Mr. Phillips:

S. 81. For the submission of the question, convention or no convention to a vote of the qualified electors of the State of Alabama, and to provide for the holding of a convention to revise and amend the Constitution of the State of Alabama, and to provide for the election of delegates to such convention.

**Privileges and Elections.**

By Mr. Carmichael:

S. 82. To provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100) worth of taxable property in such county; to authorize any school district, in any county that may be levying special county taxes for school purposes of not less than thirty (30) cents on each one hundred dollars (\$100) worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100) worth of taxable property in such school district; and to authorize boards of education to issue interest-bearing warrants to erect, repair and equip school buildings and to otherwise improve school facilities.

Education.

By Mr. Craft (by request):

S. 83. To amend section 1309 of the Code of Alabama, 1907.  
Municipalities and Municipal Organizations.

By Mr. Craft (by request):

S. 84. To amend section 3613 of the Code of Alabama, 1907, as amended March 29th, 1911.  
Municipalities and Municipal Organizations.

By Mr. McDowell:

S. 85. To authorize fraternal benefit societies to establish and maintain classes of membership.

Banking and Insurance.

By Mr. Espy:

S. 86. To provide and prescribe that the term "assessed value of the property therein" as contained in section 224 of the Constitution of 1901 of this State, providing a limitation for incurring indebtedness by the counties thereof, shall be one hundred per cent of the actual valuations of property of each county for the purpose of creating indebtedness and adjusting the same, only.

Judiciary.

By Mr. Espy:

S. 87. To authorize the court of county commissioners, board of revenue, or other governing body of any county in this State, which has outstanding indebtedness, whether bond, interest-bearing warrants or other character, to settle, adjust and refund the same, and for that purpose to issue bonds or interest-bearing warrants.

Judiciary.

By Mr. West:

S. 88. To prevent employees of the fire department of any city in Alabama which now has a population of one hundred thousand people, or more, according to the last Federal census, or which may hereafter have such population, according to any such census that may be taken hereafter, from being compelled or permitted to remain on duty more than twelve hours in a day; and to provide a penalty for the violation thereof.

Local Legislation.

By Mr. Carmichael:

S. 89. To provide for the appointment of a commission to make a study of the public school system of Alabama and to make an appropriation therefor.

Education.

#### REPORTS OF COMMITTEES.

Mr. Bedsole, chairman of the Standing Committee on Temperance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Shaw:

H. 7. To further suppress the evils of the intemperance; to restrict the receipt, possession and delivery of spirituous, vinous, malted, fermented, or other intoxicating or prohibited liquors and beverages and fixing punishment and penalties.

#### RESOLUTIONS.

Mr. McDowell offered the following Senate joint resolution:

S. J. R. 20. Whereas, one of the most important matters to come before this session of the Legislature is whether or not the Legislature will adopt a new Code: therefore,

Be it resolved by the Senate, the House concurring, That a committee of fifteen members be appointed, five from the Senate and ten from the House, to be known as the Code commission, whose duty it will be at the first session of the Legislature, to consider the question of whether this Legislature should adopt a new Code, and to report back to the Legislature its recommendations after a consideration of the matter.

Which was read and referred to the Standing Committee on Rules.

Mr. Phillips offered the following Senate resolution:

S. R. 21. Be it resolved by the Senate of the State of Ala-

bama, That there be published 500 copies of Senate bill No. 32, relating to a tax on property passing by the laws of descent.

Which was read and referred to the Standing Committee on Printing.

Mr. Bedsole offered the following Senate joint resolution:

By Mr. Bedsole:

S. J. R. 22. Resolved by the Legislature of Alabama:

1. There is hereby created a joint committee to be composed of three senators and five representatives, who are hereby authorized and required to examine and consider, during the recess of the Legislature, the compilation of all the existing statutes of Alabama, of a general nature, as compiled and submitted to this Legislature by Sam'l Will John.

2. The committee shall have authority to recommend the omission of any statute which in their judgment has become obsolete, or whereby amending another statute, it may be made to cover all the subjects contained in the statutes omitted, and if necessary may prepare and report to the Legislature, bills proposing new sections, which they may deem necessary to harmonize existing statutes.

3. The committee shall have authority to employ a skilled stenographer and typewriter who shall be paid such fair wages as the committee may be able to obtain such services for.

4. The committee shall consider any proposition of the compiler, Sam'l Will John, to publish the statutes as a Code, and may agree upon the number and arrangement of the volumes, and upon the paper, type and binding, and the price to be paid by the State upon the delivery of the required number of sets of the Code to the governor and report a bill embodying all the terms of the contract, to the Legislature for consideration.

5. The presiding officer of the Senate shall appoint the senators and the Speaker shall appoint the representatives to be members of this committee. Any vacancy occurring in the membership of this committee shall be filled by the officer who appointed the member who vacated his membership on the committee.

Which was read and referred to the Standing Committee on Rules.

#### ELECTION OF TRUSTEES OF UNIVERSITY OF ALABAMA.

Mr. Carmichael, chairman of the Standing Committee on Education, presented to the Senate the following letter from the State superintendent of education:

Montgomery, Alabama, January 16, 1919.

*To the Honorable the Senate of Alabama:*

In keeping with section 264 of the Constitution, I have the honor to report to you for your confirmation or rejection the following members of the board of trustees of the University of Alabama, who have been elected since the Legislature of 1915.

Hon. Eugene H. Glenn was elected on June 2, 1915, as a member of the board from the Third Congressional District for the term expiring in 1927.

Hon. J. Kelly Dixon was elected on June 2, 1915, as a member of the board from the Fourth Congressional District to fill the vacancy caused by the death of Hon. J. H. Johnson in the term expiring in 1919, and the said J. Kelly Dixon was elected on **May 27, 1918, as a member of the board** from the Fourth Congressional District for the full term expiring in 1931.

Hon. H. B. Foster was elected on June 2, 1915, as a member of said board from the Sixth Congressional District for the term expiring in 1927.

Hon. T. C. McClellan was elected on June 2, 1915, as a member of said board from the Eighth Congressional District for the term expiring in 1927.

Hon. John H. Bankhead, Jr., was elected on May 27, 1917, as a member of the board from the Tenth Congressional District for the term expiring in 1929.

Hon. Thomas M. Stevens was elected on May 27, 1918, as a member of said board from the First Congressional District for the term expiring in 1931.

Hon. John A. Rogers was elected on May 27, 1918, as a member of said board from the Sixth Congressional District for the term expiring in 1931.

Respectfully submitted,

Spright Dowell,  
Superintendent of Education.

On motion of Mr. Carmichael the Senate ratified and confirmed the election of the following trustees of the University of Alabama, from the districts and for the terms as follows:

Hon. Eugene H. Glenn, from the Third Congressional District for term expiring in 1927.

Hon. J. Kelly Dixon, member from the Fourth Congressional District, for term ending in 1931.

Hon. H. B. Foster, member of said board of trustees from the Sixth Congressional District, for term ending in 1927.

Hon. T. C. McClellan, member of said board from the Eighth Congressional District, for term ending in 1927.

Hon. John H. Bankhead, Jr., member of said board from the Tenth Congressional District, for term expiring in 1929.

Hon. Thomas M. Stevens, member of said board from the First Congressional District, for term expiring in 1931.

Hon. John A. Rogers, member of said board from the Sixth Congressional District, for term expiring in 1931.

Yeas, 27; nays, 0.



*Yeas:*

Messrs:

Acker	Cowan	Kelly	Rogers (Lauderdale)
Baker	Craft	Leith	Rogers (Sumter)
Beale	Ellis	Morris	Sims
Bedsole	Espy	McDowell	Smith (Coosa)
Briscoe	Evins	Nance	Tally
Butler	Griffith	Norwood	West
Carmichael	Harper	Phillips	

—27

*Nays:*—None.

#### BILL TAKEN FROM CALENDAR AND RECOMMENDED.

On motion of Mr. West, the bill:

S. 16. To amend section 1296 of the Code of 1907.

Was taken from the calendar and re-referred by the President of the Senate to the Standing Committee on Local Legislation.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following:

H. J. R. 12. Be it resolved by the House, the Senate concurring, That when the two houses do adjourn this afternoon that it adjourn to 10 A. M., Thursday morning, January 23rd.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Acker, the Senate, under a suspension of the rules, concurred in and adopted House joint resolution No. 12, set out in the foregoing message from the House.

#### MESSAGE FROM THE GOVERNOR.

January 21, 1919.

To the Senate and House of Representatives:

I am directed by the governor to hand you herewith copy of his message to the Legislature of 1919.

Respectfully,

W. A. Darden,  
Secretary to the Governor.

*To the Senate and House of Representatives:*

In assuming our several duties, you as legislators and I as executive, we take upon ourselves great responsibilities. Upon the character of our laws and the fidelity with which they are executed depend in a large measure the prosperity and happiness of three people we serve. It is a

great honor to be called to the service of the State, a high privilege and an opportunity for real service. We are fortunate in our opportunities; let us be fortunate in our use of them. The duties which we have to perform are highly important and of serious consequence and should be entered upon earnestly, calmly and dispassionately. We should devote our best efforts and ability to broad and constructive legislation in the interest of the whole people, influenced by no considerations other than the welfare of the State. I congratulate you upon the splendid start you have made. I am firm in the belief that you will meet the expectations of the people in your handling of the great questions that will engage your attention and that this Legislature will pass into history as one of the most satisfactory in the annals of the State.

**My distinguished predecessor**, in obedience to a mandate of the Constitution, has given you a history of the affairs of the State for the past four years and has made recommendations based upon experience and close contact with these affairs during that period. I commend his message to your careful consideration.

#### THE WAR.

The prompt and efficient action of our government, the ready and cheerful response of our men to the call to the colors, and the devotion and sacrifices of all the people of the nation have served to bring to a speedy and successful conclusion the terrible conflict that has been waged so long and so fiercely upon the battle fields of Europe and the East. We may confidently look to our envoys and those of our allies to so contrive the settlement of affairs as to render it impossible that such another catastrophe shall ever again occur. In fact, we may know indulge the hope that wars are at an end for all time.

As American citizens we may take a just and pardonable pride in the efficiency and unusual achievements of those charged with the conduct of the war. Especially are we gratified to have demonstrated that the sons of free men, taken from civil life and trained but a few short months, can meet and overcome the seasoned veterans of Autocracy upon fields of their own choice. The gallant conduct and indomitable spirit of America's fighting men, and the devoted and sacrificial support of them by practically the whole citizenship, has taught the world a lesson that it will not soon forget. Indeed, I doubt if ever again any nation will have the temerity to draw the United States into an armed conflict.

As Alabamians we are more than proud of the heroic deed of our valiant sons and the prompt and liberal response of our people to all the demands made upon them. We contemplate with great satisfaction the fame of our boys on the fields of France and Belgium. It is indeed gratifying to know that in France Alabama is a dear and honored name because of the brave, chivalric conduct of our "Fighting Fourth" Regiment, and many other of our sons who have shared the dangers and endured the toil and hardships incident to warfare.

They have written a burning page upon the annals of our State and nation and we should see to it that the record of their deeds be not lost or forgotten. That they may be perpetuated let us join with the other states and the nation in erecting memorials commensurate with the immeasurable sacrifices they made for Freedom, Justice and Right. Many of them will never return; others will come to us, maimed and broken, for rehabilitation. They have made, or have offered to make, the supreme sacrifice. It is meet, therefore, that we should properly commemorate their deeds.

## PROHIBITION.

I congratulate you on your favorable action on the national prohibition amendment, the final adoption of which will, in my opinion, make for the happiness of the people of this country throughout all generations. The benefits that have come to the whole people of Alabama because of our prohibition laws cannot be measured by words. I consider prohibition as the fixed policy of the State.

Our adoption of this principle is the result of progressive movement among our people during the past decade, and it gives me great pleasure to say that my administration will be a prohibition administration in the best sense of that term.

The two-quart law should be repealed by the enactment of a bone-dry law in harmony with that adopted by our National Congress. We must legislate to give effective cooperation to the United States department of internal revenue in its efforts to prevent moonshining and the illicit sale of intoxicating liquors within the borders of our State.

Heretofore, it has been the custom for sheriffs to stand aside and leave the work of destroying the illegal distillation of liquor to the officers of the Federal government. This should never have been. The Federal government proceeds against illicit distillers only for the purpose of punishing offenses against the revenue laws of the government. The State should proceed against these wrongdoers from the standpoint of necessary enforcement of criminal statutes which are vital to the welfare and morals of the people. I would suggest that means be provided sheriffs for conducting raids, for informers' fees and for rewards for destruction of stills.

There seems to be abuse of the practice of issuing doctors' prescriptions for liquor. I would therefore suggest that it be made a misdemeanor to issue such a prescription except where is a bona fide necessity for the use of intoxicants; that it be made a misdemeanor for a doctor to issue such certificate without immediately filing a copy with the judge of probate, who should at all times keep the same accessible to the public, and who shall deliver the same to the grand jury. It might also be well to require the prescription to specify the nature of the disease for which stimulants are needed and the quantity and the number of doses of such stimulants to be taken. Issuance of a certificate except in the course of bona fide professional visit to a sick person should be either prohibited or made prima facie evidence of mala fides of the prescription. I sincerely hope that you will dispose of all measures bearing on this subject with the greatest dispatch possible, in order that your limited and valuable time may be fully given to the consideration of the great economic problems confronting the State.

## FINANCIAL BUDGET SYSTEM.

It is my most earnest desire and confident hope that this Legislature may demonstrate that public business can be conducted as efficiently and economically as private business.

The affairs of the State are largely and essentially of a business character and should be conducted along well-established business lines, according to methods and practices prevailing in great private concerns. A well devised budget system of revenue and expenditure is, I believe, essential as a part of any scheme for placing the State's financial affairs on a proper business basis.

A budget provides means for determining in advance of a legislative session the amount and the necessity for the various appropriations for

State Institutions and activities of every kind. The present system by which heads of departments, managers and superintendents of State institutions find it necessary to spend weeks in Montgomery during each session of the Legislature and by lobbying and log-rolling obtain appropriations is an imposition upon the State, disagreeable and distasteful to those who desire to devote their time and energies to the duties with which they are charged. Such unpleasant work should not be required of them. Under this system the money of the taxpayer is too often distributed in proportion to the political influence of the parties interested and to the persistence of their importunities, while under the budget system funds are appropriated solely in accordance with the needs and merits of the State's departments and institutions. The budget system puts all matters of appropriations and expenditures in the open and clearly above board. It is a sure preventive of obscure items and jokers in appropriation bills and the mortal enemy of waste, extravagance and graft. Gentlemen, we are business men; we owe it to ourselves and our people, therefore, to support any means designed to promote economy, or to check waste and extravagance. The budget system will make over-appropriations impossible and will put an end to invisible government in Alabama.

I submit herewith draft of a bill to which I invite your most careful consideration, in the hope that you will enact it into law with such changes, modifications or additions that your judgment may approve.

#### TAXATION AND REVENUE.

The State must have revenue; it can get it in one way only—by taxation. This subject has engaged the best thought of governments for a thousand years and still its problems have not been solved. They may never be. One of the chief obstacles to their solution is the difficulty of securing equalization of assessments of property. The fundamental principles of taxation is equality. Without equality in placing the burdens of taxation there can never be satisfaction. Some progress has been made during recent years in correcting the gross injustices which have long prevailed throughout the State, but much remains yet to be done. I am of the opinion that our present laws designed for equalization of taxation, if amended in some particulars, would prove as nearly adequate for the desired purpose as may be expected under the provisions of our present Constitution. The county boards of equalization, as now constituted, should be abolished and their duties placed upon one man in each county appointed by the governor, acting under instructions of the State board of equalization, and removable at the discretion of the appointing power.

#### INCOME TAX.

Public sentiment has been long and steadily growing in favor of the graduated income tax as a means of raising revenue. Theoretically it is the most just and equitable of all taxes; in practice it has worked with great satisfaction wherever tried. It is based on the idea that the citizens should pay in accordance with his means and ability to pay, which is the modern recognized principle upon which proper taxation is based. Varying with the income of the taxpayer, it is greatest in amount when he can best afford to pay it and smallest in amount when he can least afford to pay it. If adversity overtake the taxpayer and his income fall to the amount fixed for exemption, the tax disappears altogether. Hence, it is automatically just and fair.

The graduated feature of the law providing that the greater the income the higher the rate of taxation, operates to compel the man of wealth to contribute his full and just share toward the support of the State, whatever may be the character of his property. The merchant, the farmer, the workingman who owns his own business, farm or home—all he possesses—which is in full view of the tax assessor, pays taxes out of all proportion to the more fortunate man who invests his earnings in stocks and bonds and other forms of intangible property that so easily escape taxation. The income tax will wipe out this manifest injustice. I recommend and earnestly urge the passage of this law.

#### EXCESS PROFITS TAX.

What is true of the justice and fairness of the graduated income tax is also true of the excess profits tax. This tax is levied by the United States government on profits over and above reasonable returns on capital invested in business and normal profits of a pre-war period. This tax touches no business that is not making abnormal profits and surely no business can reasonably object to making contributions from the abundance of its profits.

I advise that you levy a tax of not less than five percent. (5%) on excess profits based upon the system of exemptions and other regulations in harmony with the practice of the general government.

#### BOARD OF CONTROL AND ECONOMY.

Successful management of any business or institution depends largely upon direct responsibility of the managers. The greater the number among whom such responsibility is divided the less each one feels it and the less likely he is to render efficient and satisfactory service. Boards of trustees, acting as visiting committees, fail generally to render the amount and quality of service remanded for the attainment of the best results, notwithstanding they are composed of most estimable gentlemen. It is a matter of common knowledge that public institutions in Alabama are controlled by such boards who visit them at rare intervals and then only to make the most superficial examinations and investigations. Such management would not be tolerated for a moment by stockholders of a private business concern. Hence should you, as legislators, be less particular to provide for good business management of State institutions than you would be as a stockholders of a private institution?

I recommend the creation of a board of control and economy, whose duty it shall be to take charge of all charitable institutions under the control of the State and give all of their time to their management. This board should have authority to employ all officers of these institutions, purchase all supplies, and do all things necessary to the efficient and business-like management of the institutions in question. This board should purchase supplies for all departments and activities of the State, including educational institutions and the convict department, under proper rules and regulations requiring advertisements for bids and awards to the lowest responsible bidders, with provision for emergency purchases without advertisement and bids. The board should also purchase certain supplies for the counties of the State, especially stationery, books and other office supplies. This matter was recently called to my attention by a county official from whose letter I quote as follows: "I desire to call your attention to the shameful manner in which stationery companies are robbing the counties, (and I

presume the State also). Can nothing be done to put a stop to this thievery? I refer especially to, not only the outrageous prices they charge, but also the entirely useless books they have forced upon the counties through legislation; books that are of no value whatever and were only gotten up for the purpose of robbery."

Supplies for the State and the counties of the State are now purchased by hundreds of individuals in what might be called retail fashion. A lumping of them under the direction of one board would, in my judgment, result in the saving of not less than \$300,000 per year.

The salaries of the members of the board should be such as to command the services of men of experience and recognized ability. It is a **matter of course** that charitable institutions can never be made self-sustaining, but correct business principles applied to their management would undoubtedly result in a great saving to the State.

The present boards should be retained as visiting or advisory committees, without compensation.

This is not a mere experiment that I suggest. State boards of control in other states have abundantly justified their creation, resulting in great saving of money and increase of efficiency. I, therefore, most earnestly urge the creation of such a board in the interest of economy and efficiency and as a part of a program for the installation of business methods in every department of the government.

#### PUBLIC HEALTH.

There is nothing more worthy of your time and attention than the matter of conserving the health and lives of the people of the State. We are not fully alive to our obligations to properly care for the mental and physical derelicts of the State, who should have our tenderest sympathy and care, and we spend very little to eliminate the causes of their unfortunate condition. We do not seem to fully realize what can be done for the prevention of disease and the preservation of human life, for we have failed to make proper use of the discoveries of medical science along those lines.

I sincerely hope that you will provide the funds and enact the legislation necessary to make the State Board of Health suited to our needs and present conditions. It should be provided with means and facilities to restrict and prevent the spread of dangerous and communicable diseases; to fight and exterminate tuberculosis; prevent pollution of streams and drinking water; instruct teachers in the laws of hygiene to enable them to care for the health of pupils; inspect and approve plans and specifications for construction of public buildings insofar as sanitary matters are concerned; to correct insanitary conditions of those already constructed, and do many things calculated to conserve the health and lives of the people. If necessary, less money should be appropriated to other departments in order that more money might be used for the purpose of preventing the spread of disease through the enforcement of proper health regulations and for the necessary propagation of health education.

The proper administration of health laws is of first importance, because it involves the welfare and lives of the people. This is a matter that should receive your most earnest attention.

#### EDUCATION.

The public school system of Alabama is the biggest and most vital undertaking in which the State engages. The development during recent years has been remarkable. Several factors have contributed to this, among

them the adoption of the local tax amendment authorizing any county in the State to levy a three-mill tax and any district in such county to levy a three-mill district tax for school purposes. The law making this amendment effective has operated to increase school revenue by a substantial amount, thereby making possible longer school terms, better buildings, better equipment, and better teachers. It has also awakened and stimulated a local pride and interest to a degree heretofore unknown. The fact that forty-eight counties of the State already have availed themselves of the benefit of local taxation and at least one-third of the counties have entered upon a program of district taxation for schools is the finest possible expression of the attitude of the people toward education.

The law placing the administration of the public schools of the county under a board of education elected from the county at large, having power to select county superintendents and assistants, has also had a very wholesome effect upon the new awakening. By the terms of this law only a minority of the members of the board can be changed at the end of any two-year period, thereby protecting the schools against any political or partisan upheaval. The operation of the law where it has been given a fair trial has invariably resulted in a business-like control of the schools of the county by men of business ability and the supervision of the schools by professional school men, rather than by politicians.

Today new conditions have arisen and new demands confront us. The World War has given education a most positive emphasis; the public school has come to be recognized as the most democratic of all institutions and the one which must accept both the responsibility of training our youths for citizenship, and of doing this in such a way as to qualify them not only to do their life work efficiently, but to inspire in them those ideals that will make real and perpetual our recent victory, as well as usher in the much desired era of peace based upon universal brotherhood and universal intelligence.

Our entire citizenship is alive to the strategic importance of education as never before. The times call for the examination of all our public activities, looking toward such reorganization and readjustment as make for the greatest economy and efficiency, and the public school, which is the democratic institution par excellence, should undergo a rigid, searching, fearless, exhaustive, scientific and constructive study with a view to making our entire scheme of education the best we can with the resources at our command.

It is patent that there is a constant discontent on the part of a considerable number of citizens with reference to the way in which some of our institutions function, and as to the wisdom of maintaining certain classes of schools, or schools of certain classes. This feeling of dissatisfaction is further reflected in the occasional agitation for the abolition of certain institutions and for the elimination of the duplication of certain kinds of work. The logical outcome of these various sentiments is a feeling of uneasiness, which, though vague and undefined in most cases, is general throughout the State, a condition that must of necessity hamper all institutions of higher learning and retard all school progress. The time has come, therefore, when heroic steps must be taken to find out just what the sources of the present ills are, to discover such remedy as will bring adequate relief and then to apply this remedy until a real cure is effected.

The most superficial examination of our educational machinery reveals the fact that every type of school is under different management. Every school board, by virtue of its independent organization, is concerned about the promotion of the special interests of its own institution and consequently overlooks the interests of other institutions which are probably as meri-

torious and essential as their own. The public school system of Alabama, in other words, is an incoherent patchwork, lacking coordination and co-operation. In order to guarantee permanent improvement, serious and exhaustive study must be made and the best genius in America should be set to work upon the problem. It would be better not to approach the undertaking at all unless those who do so are brave enough, big enough and unselfish enough to inspire confidence; to lose sight of themselves and all personalities, and to forestall the selfish activities of those who may not be patriotic enough to rise above their own environment and connection.

For such a program as this you should authorize the appointment of a special commission to conduct the investigation and to make such recommendations covering our entire scheme of public education as will put it within your power, when you reconvene after recess, to give to Alabama ~~a~~ **complete, well-rounded, unified and efficient school system—modern, democratic and progressive.** Such a commission, composed of men of highest calibre and integrity and serving without pay, should be able to call to its assistance the best experts to be found in the several lines of school work in which the State engages, or should engage. The members of the commission and the experts chosen by them should have full authority to inspect all records, visit all schools and require testimony under oath from any and all persons. The members of the commission should be allowed their traveling expenses and should have such clerical assistance and equipment as will enable them to do their work efficiently and with dispatch.

The above, in my opinion, is Alabama's most needed educational undertaking. It is entirely possible that a complete reorganization of our whole system of education might be found to be necessary. Whatever the conclusion may be, the effect will be not only to inspire the confidence of the public in our schools and their machinery, to quiet the periodic unrest of the present, but also to guarantee a unity of purpose and interest that will make Alabama go forward in a way that will promote her best interests at home and at the same time challenge the admiration of the whole country. I recommend, therefore, that authority be given for the appointment of a commission to conduct the study contemplated, and that so much of an appropriation of \$10,000 as may be needed be authorized from the general education fund to cover the expenses incident thereto.

#### VOCATIONAL EDUCATION.

The Smith-Hughes Law for the promotion of vocational education and making appropriations for the use of the states, became a law on February 23, 1917. The specific purpose of the law is to encourage, to stimulate, and to co-operate with the states in the introduction of a practical kind of education which has hitherto been almost neglected, especially in the South. The appropriations made available for the states comprehend the following funds:

1. For the teaching, supervision and direction of agricultural subjects.
2. For the teaching of trade, home economics, and industrial subjects.
3. For the training of teachers of agricultural, trade, home economics and industrial subjects.

Each fund amounts to a little more than a half million dollars for the current year and increases annually for ten years, when a maximum continuing appropriation is reached. The fund for agricultural education is apportioned on the basis of rural population; that of trade, home economics, and industrial subjects on the basis of urban population, and that for the preparation of teachers on the basis of total population.



For this supervision of vocational education within the State a State board must be provided. This board is charged with the responsibility of making plans for the work within the State in accordance with the terms of the Federal Act, and in a way that is adapted to meet the vocational needs of the State, in the light of its resources and possibilities. The administrative responsibilities reserved to the states are such as to safeguard the autonomy of the State in the management of its educational affairs. In order that the State board may perform its task it is necessary that it have at its command the necessary fund to supplement in equal amount the Federal fund, including a sufficient amount to provide expert assistants, qualified to promote and supervise the work to be undertaken in the several vocational fields.

By January 1st, 1918, every State in the Union had qualified for the conduct of a part, or all of the several lines of work authorized under the Federal law; Alabama was one of the six that could make only a tentative beginning because no session of the Legislature was to convene to pass the enabling act and to make the necessary appropriations. Since the Legislature, by the terms of the Federal law, must definitely accept the benefits of the Smith-Hughes statute within sixty days, it becomes necessary to make the appropriation promptly if a program of vocational education is to be undertaken in Alabama with outside aid.

After a somewhat careful examination of the Smith-Hughes law and its final adaptability to Alabama, I am convinced that you should pass an act creating a State board for vocational education and matching the Federal fund, dollar for dollar, at the earliest possible moment, in order that the State may not lose the benefits that have come to it in this field of education, much needed, though hardly touched in Alabama. The other states in the Union are receiving such benefits from the Federal treasury and Alabama should not be discriminated against.

Since the State must prepare its plan each year in order to meet the growing needs and opportunities for vocational education and in order to expand its program in keeping with the increased revenue available from the Federal treasury, the danger of Federal interference is negligible. I would recommend, however, that the Alabama law be so worded as to make it possible to use any funds appropriated by the State for vocational education independently, so that if it should ever appear unwise to co-operate with the government it will be entirely possible for the State to carry on its own program with the funds at its disposal.

The need for vocational education will appear upon the most casual reflection. General education properly directed and controlled is for the promotion of general intelligence. Vocational education, on the other hand, is designed to make an intelligent producer either of commodities or of service. The high schools have hitherto centered their program upon the preparation for admission to institutions of higher learning and this phase of education should be conducted without relaxation. However, the work of the schools must be broadened so as to care for the preparation of that ever larger group of boys and girls who do not enter institutions of higher learning, but who go directly into employment. According to the report of the United States commissioner of education for 1917, the total school enrollment for the country was 21,958,836, distributed substantially as follows:

In elementary schools-----	91%
In secondary schools-----	7%
In institutions of higher learning-----	2%

During the year 1915, the records show that more than two-fifths of the youths of the country between fifteen and seventeen years of age were not in school, and it has been further demonstrated that approximately one-half of the children of the country finish only the fifth grade and not more than one person out of twelve who enters the elementary school completes the high school course. In Alabama, it is said, school attendance begins a precipitate decline at the end of the fourth grade and at the age of fourteen years. Since intelligence is necessary in performing the duties of citizenship and since the majority of the girls and boys in Alabama do not get the education that attracts them, or that prepares them for their life work when they leave the school, something must be done to remedy the deficiency. To state it concretely, our school system needs to become more democratic by strengthening and improving the general line of intelligence which it is already pursuing and also adding the practical kind of education adapted to the needs of boys and girls who are not going to college, but will enter upon employment.

The need of vocational education in Alabama has been peculiarly emphasized by the war. In every field of service there has been a constant, insistent, and almost pathetic call for men trained in every species of technique, and almost without exception the deficiency of trained men in the South and the importation of skilled men from other sections of the country to carry on the work in our midst, has been most patent. One instance will suffice. No braver men engaged in the war than those of the Fourth Alabama. Their heroism is proverbial, their achievements unsurpassed; and yet when the signal corps was to be organized, not a man among them was qualified to undertake the work and an outsider was put in charge.

The most crying need for vocational education in Alabama, however, grows out of our agricultural situation. Alabama can boast of every variety of soil that can be found on the globe and every crop known to the temperate zone can be grown here. We have an abundance of rainfall and the growing season is sufficiently long to make possible two or three crops. The value of leading crops in Alabama totalled \$379,000,000 last year and the entire production of our crops totalled \$500,000,000.

As fabulous as these amounts appear, they are small when compared with our possibilities. According to the report of the secretary of the interior, there are fourteen million acres of land in Alabama, or slightly more than are already in cultivation, awaiting to be utilized. It is a more painful fact, however, that the fourteen million acres already in cultivation are yielding not more than one-tenth to one-third of what they might justly be expected to produce if scientific methods were followed.

The average yield of corn last year was slightly less than fifteen bushels per acre, despite the fact that by the employment of intensive and scientific principles more than two hundred bushels have been raised on a single acre. The average yield of cotton was less than one-third of a bale to the acre, though from one to two bales might be reasonably expected if the best methods were used. The appearance of the boll weevil, the necessity of diversified crops which followed, the introduction of blooded stock and swine, indicate in a crude way something of the possibilities for Alabama when the eighty percent of the people who live in rural districts are trained for the lives they are to lead.

What is true of agriculture is literally true in the case of mineral resources in which Alabama has been as richly favored by Providence as any country in the world. The discovery and development of these resources read like romance, but loyal Alabamians cannot overlook the fact that the greatest returns from all this native wealth have come very largely to those who lived elsewhere, and that the high salaried men who directed

these achievements have for the most part come from other sections of the country.

The value of the coal mined in Alabama last year as \$25,000,000 and the derived products brought the total up to \$40,000,000. The iron ore mined during the same period was \$11,000,000 and the derived products, mostly pig iron, brought this total up to \$50,000,000. This grand total is almost trivial when compared to the possibilities yet ahead. One of the most striking examples is the graphite industry, which ten years ago was practically unknown, but today finds approximately forty mines in Clay county alone, with investments aggregating more than \$2,000,000.

As extraordinary as are the agricultural and mineral resources of the State, they do not tell the whole story. Muscle Shoals has been aptly called the Niagara of the South and its possibilities for power development surpass all others east of the Mississippi, Niagara alone excepted. When it is remembered that a considerable part of the power development of Niagara has been reserved by international agreement for its scenic beauty and that more than one-half of its available power belongs to the Canadian government, and when it is further noted that Niagara has achieved its greatness despite the fact that it is situated in territory that does not begin to compare with Muscle Shoals either in the variety or abundance of its natural products, the economic value of Muscle Shoals becomes apparent and the need for vocational education unquestionable.

The argument might be drawn out indefinitely, but I do not see how it is possible to escape the conclusion that vocational education must be provided to supplement the work the schools are already doing, that we have help available from our government for carrying on the enterprise, and that it is our duty to take advantage of it by passing the requisite legislation, carrying with it the necessary appropriations to match the Federal funds.

#### EXTENSION WORK IN AGRICULTURE AND HOME ECONOMICS.

Under the provisions of the Smith-Lever act of Congress, Federal funds are provided for co-operative extension work in agriculture and home economics. These Federal funds are conditioned on State support, on the basis of dollar for dollar, except as to the first \$10,000 of the Federal fund. The present appropriation makes provision to meet the Federal fund through the fiscal year ending June 30, 1919.

On or before July 1st, 1919, the agricultural college charged with the extension work is required to make formal certification to the secretary of agriculture as to the State's appropriation for the fiscal year beginning July 1st. This matter should receive your prompt attention, for failing to act before June 1st would almost completely demoralize and disperse the present force of farm demonstration agents, home demonstration agents and extension specialists in marketing, dairying, horticulture, crops, live stocks, etc.

I advise that you make provision for the first year's work without delay, reserving to the adjourned session consideration of appropriation for subsequent years.

#### ROADS.

Improved highways are an index to advanced civilization. They are the means as well as the evidence of prosperity. The prosperity of city and country alike demands continued improvement of our public roads. We have made but a small beginning. In many counties of Alabama during

several months of the year in the winter season the roads are a social and industrial blockade. It is an effective blockade. It should be raised in the interest of the social and commercial intercourse of the people of town and country. The work must be done largely by counties and local communities affected. But travel and transportation over the public highways are no longer entirely local. The automobile and the truck have made the erstwhile local community road a part of a system of wide scope and importance, so it is no longer reasonable and just to expect local communities to bear the entire burden. It should be borne by the national, the State and the county governments operating jointly. The national government has recognized and acted upon the principle and provided funds for the purpose. I recommend that provision be made for meeting all requirements necessary **to secure our full share of national road funds available for use in this State.** In this co-operation lies the **solution of the good roads problem.**

#### UPKEEP OF ROADS.

But we must not only build good roads, we must maintain them after they are built. The chief defect of our present system lies in the fact that we have failed to make adequate provision for the upkeep of the few good roads we have built. Money spent in building roads without provision for their upkeep is money wasted. Millions of dollars have been literally thrown away in this manner. It is high time we were applying a little common sense in this direction.

This question of road building and road keeping is one of the tremendous possibilities of our State. Its wise solution is vitally necessary to the full development of our agricultural, industrial and educational interests. It should be approached with clear understanding and broad vision.

#### CONVICT LEASE SYSTEM.

Our system of contracting the labor of convicts is a reproach to the State. As a means of picturing the conditions under which these unfortunates are working I quote from a report of a committee of the Legislature of 1915:

"This subject was approached with an open mind. After consideration we have been forced to the conclusion that the convict lease system of Alabama is a relic of barbarism, a species of human slavery, a crime against humanity. We do not advocate the pampering of prisoners, and we are not seeking to prepare for them a bed of roses. They should be punished severely; they should be made to work; their fate should be an example to others. We have no legal or moral right after they are sentenced to add thereto 'cruel and unusual punishment.' A sentence to hard labor should not impliedly include deprivation of nourishment, an absence of God's sunlight, the breaking of bones, the maiming of limbs, the disfigurement of persons, the loss of life itself. Lessees should not have the authority after jury and judge have acted, to add punishment which no court in the first instance would have imposed.

"Farmers' sons, tillers of the soil, bred-in-the-bone to open life; mountaineers, lovers of nature, used to God's country, we found them in the bowels of the earth, going in hours before the sun rose and coming out hours after it had set. The imposition of tasks from ten to fourteen tons of coal a day required, and from one to four tons added to guard against rock in the coal, the enforcement of these tasks by brutal treatment, so brutal that in some instances brought to the committee's attention, the skin was literally beaten from the back, causing scars that will be carried

to the grave, ill-prepared and insufficient food, their burial in roughly constructed boxes made from lumber taken from old houses, at a cost not exceeding \$2.50 a funeral, are all illustrations of man's inhumanity to man.

"It may be said that we mention exceptional cases. We found them of general occurrence. We know these conditions exist because we saw them and have evidence of them. Instances could be multiplied except for lack of space in this report.

"Under normal conditions the convict would not perform average work, yet we find under this driving slavery system, where the free miner mines two tons, the convict produces four. The convict should not be allowed to choose his work, but without experience, knowledge, aptitude or training, he should not be forced to take his life in his hands by engaging in labor dangerous even to those who are trained and experienced in such work, on account of falling rocks, explosives, unsupported roofs, gas and dust explosions.

"Our courts have decided that no one can contract against his own negligence and where the convict is working under control of the lessee the latter is liable for injuries received through his negligence or wanton or willful acts. We find that under the late leases of the State they are so worded that the convict is under control of the State and when maimed or injured has no remedy, however great may be the negligence, or however wanton or willful may be the act causing his injury. The State has therefore become not only a partner, but also a protector of these iniquities.

"The condition of the convicts in the turpentine and lumber camps of the State is as bad if not worse than in the mines. They are made frequently to rise at four in the morning, day in and day out, walk five or six miles to work, toil all day long, with insufficient water and food, in the heat of the sun until darkness comes, and then forced to walk into camp for their supper.

"The system is wrong. It is indefensible. The more one studies it the greater his horror; but as dark as this phase of the picture is it does not compare with the more dangerous feature of setting a prisoner to a task of this kind because of one mistake, and have him come out after years with a better enmity and hatred toward mankind. This is the class of man most dangerous to society. He cares for nothing now. He has undergone the most excruciating pain, the hardest toil, the deepest humiliation. He has been driven like the beasts of the field by heartless taskmasters. Instead of society in the form of laws having protected herself from one considered an offender, she has multiplied and turned loose upon her own head the danger she is seeking to avoid."

I am not prepared to say whether the conditions have been improved since that report was made. The State received the approximate sum of \$750,000 for the hire of its convicts for the year ending September 30, 1918. If the lease system is abolished and the convicts placed at non-remunerative work, a like sum must be drawn from some other source. If they are put to work in the public roads an outlay of several hundred thousand dollars will be required for equipment and for the work and for their safe-keeping. It might be best to use them in developing and working the coal lands that belong to the State. Under direct supervision of agents of the State the same humane treatment could be given them as is given to free labor. It is a complex question, full of difficulties. I shall make a study of it and present for your consideration at the adjourned session the result of my investigation with recommendations.

## WORKMEN'S COMPENSATION.

One of the most important matters that will engage the attention of the Legislature is that of compensation for injured workmen and their dependents.

I recommend the enactment of a fair, just and workable workmen's compensation act. More than forty states have enacted such legislation with good results in most of them. Much general information, both theoretical and practical, is readily available in convenient form as the result of investigations and the operation of such laws in other states. Besides, a committee appointed by the Legislature of 1915 will present a bill for your consideration.

Protection and compensation are the fundamentals of workmen's compensation laws. They operate to safeguard the uninjured and compensate the injured. They afford protection to the family of the injured during the period of disability of the breadwinner, and insure his family against absolute dependency in case of his death. The injured workman and his family are assured of speedy settlement of claims and are protected against the designs of shysters and ambulance chasers.

The cost of accidents and injuries is a proper charge against the products of manufacture. The provisions made against the wear and tear and destruction of machinery should cover the human machine as well.

While workmen's compensation laws are primarily intended for the benefit of the workmen, they operate to protect the interests of the employer as well as the employee through the saving of large sums that go to pay the costs and expenses of litigation. Not only so, but a properly administered workmen's compensation law will very materially reduce the business of our courts, resulting not only in saving to litigants but to the State as well. Viewed from every standpoint, justice, economy, humanity and self-interest alike appeal for this legislation.

## JUDICIARY.

I recommend the creation of a committee of the Senate and House, or a committee of lawyers not members of the Legislature, to sit during the recess and make a survey of our judiciary system and court procedure and to re-arrange the judicial circuits with a view to reducing the number of circuit judges and courts, if any are found to be unnecessary. Many judges of circuit courts have not enough business in their circuits to engage more than one-third of their time. Court officials, and all other State officers for that matter, should work for the State twelve months of each year with reasonable vacations. I can see no more reason for the State paying men full year salaries for three or four months' work than there is for private business concerns paying their employees for work which is not performed. Such practice is unheard of in private business.

Not being a lawyer I shall be very sparing with suggestions about judicial matters. There is one suggestion, however, concerning criminal procedure that I would like for you to consider very carefully. The purpose of imprisonment at hard labor as a punishment for violators of the law, is not merely that adequate punishment should follow crime, but primarily that violators of the law may be reformed and restored to the State as good citizens. Other states have adopted the indeterminate sentence, by means of which the convict may by good conduct and self-reformation abbreviate the term of his service and re-establish himself as a useful member of society. I invite your attention to this subject, with a view to the amendment of our criminal procedure so as to introduce the principle of indeterminate sentence or other like feature.

## CODE OF PUBLIC STATUTES.

Section 85 of the Constitution declares that 'it shall be the duty of the Legislature, at its first session after the ratification of this Constitution and within every subsequent period of twelve years to make provision by law for revising, digesting and promulgating the public statutes of this State, of a general nature, both civil and criminal.'

This matter should receive your attention.

## PUBLIC SERVICE UTILITIES.

A matter that is of prime importance and in need of proper adjustment involves the regulation of public service utilities. There is widespread dissatisfaction with the present laws governing the subject. I shall submit a special message for your consideration at the adjourned session.

## PORT OF MOBILE.

The port of Mobile, standing at the gateway of our vast river system, is truly an asset of the State. This fact has been for some time generally appreciated by our people, but only of recent years has anything tangible been done that would indicate State-wide interest in the development of the State's only port. I refer to the creation of a State harbor board by the Legislature of 1915. Unfortunately our Constitution does not permit financial assistance with regard to development of terminals, so that while the act creating the board gives it broad powers to acquire and hold property, no practical means could be placed at its disposal to bring about that end. The foundation, however, has been laid and we should build upon it, so that in time the labors of the board shall not be confined as at present to certain executive functions local to the harbor of Mobile and the mere regulation of water terminal property.

We have seen the advantage of public ownership of water terminals by the State at the port of New Orleans. Public ownership of such terminals is the ideal condition. Perhaps some year may pass before we can reach that point, for regard must be had for the expense of acquiring needed property, which unfortunately is now privately held. The start has been made; the State should go further and by constitutional amendment lend its credit to the harbor board for water terminal development at Mobile and at such other carefully selected points of concentration of freight on our rivers as may seem advisable, and these latter should be increased from time to time to meet the demands of development. The idea I wish to convey is, that the State harbor board should be truly of State-wide jurisdiction and benefit insofar as our rivers are concerned. It should be given power step by step to acquire and develop needed terminal sites, so that in the end a compact and useful system would result. The harbor board should, while this is in process, give all encouragement to private and municipal development under such conditions that the owner may be protected from State competition that would result practically in confiscation. The regulation of charges of all water side terminals should be reserved in the State harbor board, so that no unfair charge should, on the one hand, work hardship upon the public, or an inadequate charge, on the other hand, serve the purpose of diverting freight to one point at the expense of another.

As a further means of giving the harbor board a State-wide status, I would recommend that the Alabama river be given representation by amending the law so that one or more members from Montgomery county, or some other county touching the Alabama river, should be placed upon the board.

## BLUE SKY LAW.

In recent years the people of the State have sustained financial losses through investments in stock and bond issues which have no real value. These fake schemes not only absorb the money of unsuspecting innocent investors, but they injure the reputation of the State and are detrimental to legitimate enterprises that are based on genuine value.

I suggest that you consider the advisability of enacting a law designed to prevent wild-catting and protect the gullible part of the public from investing in stocks and bonds which have no real foundation of value but which held out to the unwary investor the hope of impossible returns.

The object of such law is not to remove the ordinary hazard of business, nor to limit the right of the public to engage in speculative enterprises so long as they are fairly conceived and honestly conducted. In authorizing the issuance or sale of securities, the State, as a matter of course, cannot tell whether the project will be successful, but it can reasonably insist that the prospective investor shall be honestly informed of the character of the investment offered and that the money which he invests shall be put to work for him and not find a permanent resting place in the pocket of the promoter and his solicitors. I recommend that you also consider the regulation of real estate dealers in Alabama, selling town lots, oil lands, and other real estate located in other states.

## CONDITIONAL APPROPRIATIONS.

Former Legislatures have passed many bills carrying appropriations to be available when in the opinion of the governor the condition of the treasury warrants the expenditure of the money. These are commonly known as appropriations with 'strings tied to them.' They are a standing embarrassment and menace to the treasury of the State. The danger should be removed by the repeal of all such appropriations and future expenditures should be made on the merits of the several propositions as viewed in the light of present conditions and circumstances.

## CONFEDERATE VETERANS.

The remainder of the journey of life of the heroes who wore the gray in the sixties is in the order of nature very short. In a few years they shall have passed from the scenes of their activities, leaving behind nothing but the sacred memory of their splendid heroism and noble self-sacrifice. At the call of Alabama they freely gave their health, their property and their hopes, laying their all upon the altar of their country. When the fortunes of war went against them, they promptly took hold upon and solved the new and perplexing problems that confronted and threatened the life and liberty of the State. Their claims are superior for service rendered during peace and war. As representatives of a grateful people who remember their services and sacrifices, let us make their remaining days as easy, comfortable and peaceful as possible.

## EXPENSE ACCOUNTS OF STATE EMPLOYEES.

I recommend the passage of a law to require all State officers and employees who travel at the expense of the State to file itemized statements of expenses incurred, with vouchers for each item of expenditure attached, and making it unlawful for warrants for such expenses to be issued without such statement and vouchers attached. The sound business policy of such requirements is apparent.



## INSURANCE OF PUBLIC BUILDINGS.

Insurance on the buildings belonging to the State is now placed by officers in charge of them. This could be better and more cheaply done by the insurance commissioner, who is fully informed as to the insolvency of insurance companies and their methods of transacting business. All insurance policies should be kept in Montgomery. I advise the enactment of a bill to cover this recommendation. I also recommend that you give consideration to the advisability of the State itself carrying the fire risk on public buildings of the State and several counties. I am advised that if all the premiums now paid on public buildings should be paid into an indemnity fund, the losses could be fully compensated and a considerable surplus accumulated.

## UNITED STATES SENATORS.

The seventeenth amendment to the Constitution of the United States provides for the election of United States Senators by direct vote of the people of the State. The Legislature should direct and provide the method by which vacancies in the Senate should be filled, the condition of public business at Washington is sometimes such that a vacancy should not be allowed to continue during the time necessary to hold a special election. You should, therefore, provide a method by which vacancies in the Senate can be filled pending an election for that purpose.

## ECONOMY AND NOT PARSIMONY.

I have recommended for your consideration certain measures that I consider essential to the placing of the affairs of the State on an efficient and economical basis. I earnestly urge you to exercise economy in shaping the State's business, but not at the expense of efficiency. As business men we owe it to ourselves to check waste and extravagance wherever it may be found, but let us not sacrifice efficiency to false economy. The people of Alabama are not niggardly nor parsimonious. They want good government and are willing to pay for it. They can afford to pay whatever is necessary to secure and maintain allwise, progressive activities of government and are perfectly willing to do so provided they are directed along wisely conceived lines and are administered with honesty, economy and efficiency. There are just two courses for Alabama to follow. One is the path of false economy and ultra-conservatism that leads inevitably to stagnation and decay. The other is the path of true economy and progress along which lies prosperity and happiness for the people and financial ease and independence for the State. There is no middle path. To follow the first it is but necessary to drift along in the old, careless, methodless manner of treating the State's business; to follow the other we must strike out in a new direction, every man being willing to do his part and pay his part toward the making and keeping of Alabama in the front rank of the progressive states of the Union. We must go forward or backward. There is no standing still.

## PLAIN LAWS AND FEWER LAWS.

The phraseology of our laws is too often obscure and confusing. Every law should be intelligible to the ordinary lay mind. Much needless litigation in our courts can be avoided by the use of simple language in the construction of legislation.

I caution you against attempting too much legislation.

The path of wisdom leads away from excessive legislation in the direction of prudent and conservative course that would produce better quality and less quantity, which is the true test of legislative merit.

A little law well understood and well enforced will better subserve the public welfare than whole libraries of laws of ambiguous meaning and doubtful necessity.

Not the least valuable service a legislator could render would be the threshing out of the grain from the chaff.

There should be a good and apparent public reason for the passage of every general bill. Legislation which is founded on individual whims and caprice instead of well considered public sentiment should be studiously avoided.

Changing conditions of course require changes and modifications in the laws to suit new conditions, and new laws are necessary from time to time, but let us not change the old laws to the confusion of the people, nor encumber the State books with new laws that are not urgently needed.

#### LEGISLATIVE PROCEDURE.

Fifty days sessions of the Legislature, held four years apart, must necessarily be filled with important matters. You will find it necessary to save every moment of your time if you exercise that painstaking care and scrutiny which is so essential to the enactment of wise and the avoidance of unwise legislation.

I suggest, as a time saver, that committees of the Senate and House hold joint sessions when practicable. They would not only be a convenience to the members of the committees and interested public, but would serve to bring the two bodies into more intimate association and afford opportunities for free interchange of views and opinions and promotive of a spirit of cooperation. The nearer the members of the two houses get together and the more they confer with each other about the business of the State, the better that business will be conducted. The necessity for two hearings will be obviated with a resultant saving of much time and unnecessary duplication of work. Of course, each committee should reach its own conclusions and report to its own house.

Without the means of obtaining the information so necessary to intelligent discussion of the needs of the many departments of the State and lacking that knowledge of affairs which is derived only from active experience in the executive office, I have found it necessary, as you have observed, to confine this communication to a general rather than specific nature. In my judgment there should be an interval of several months between the inauguration of the governor and the meeting of the Legislature. That, however, is a matter which we cannot control at this time. It seems to me that it would be wise for you to take a recess after the most urgent business is transacted, which should require, say fifteen legislative days, to reconvene some months later. During the interval a joint committee of the House and Senate and the budget commission, if created, working together, should be charged with the preparation of a revenue bill and the budget commission should prepare a budget for your consideration at the adjourned session. The business that I deem necessary for transaction at the short session is to make provision for:

Legislation for enforcement of prohibition laws.

Budget commission.

Board of control and economy.

Commission to conduct investigation of educational system.

Committee or commission to recommend legislation for improvement of judicial system.

Legislation necessary for the State to get full benefit of Federal aid for vocational education, and for extension work in agriculture and home economics.

#### CONCLUSION.

Our several duties can best be performed and best results obtained when there is a spirit of harmony and cordial cooperation between the executive and legislative departments of the State. It is my purpose to strive earnestly for such relations and for their unbroken maintenance. During your deliberations I shall at all times be ready to give you such information as it may be in my power to give and I extend to each member a cordial invitation to call upon me at all times to confer about any matters in which he or the people of the State may be interested. To each member I also extend the assurance of my hearty good will and bespeak for myself your aid, counsel and cooperation.

Thos. E. Kilby,  
Governor.

#### GOVERNOR'S MESSAGE.

On motion of Mr. Acker, the reading of the foregoing message from the governor was dispensed with and 500 copies thereof ordered printed for the use of the Senate.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Acker	Cowan	Huddleston	Norwood
Baker	Craft	Kelly	Phillips
Beale	Ellis	Leith	Rogers (Lauderdale)
Bedsole	Espy	Moore	Sims
Briscoe	Evins	Morris	Smith (Coosa)
Butler	Griffith	McDowell	Tally
Carlton	Harper	Nance	West
Carmichael			

—29

Nays:—None.

#### BILLS ON THIRD READING.

The bill:

S. 49. That section 4109 of the Code of Alabama be and the same is hereby amended so as to read as follows:

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Acker	Briscoe	Cowan	Evins
Baker	Butler	Craft	Griffith
Beale	Carlton	Ellis	Harper
Bedsole	Carmichael	Espy	Kelly

Leith	McDowell	Phillips	Smith (Coosa)
Moore	Nance	Rogers (Lauderdale)	Tally
Morris	Norwood	Sims	West

—28

*Nays*:—None.

The bill:

S. 15. To amend section 6657 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 28; nays, 1.

*Yeas*:

Messrs:

Acker	Carmichael	Harper	Nance
Baker	Cowan	Huddleston	Norwood
Beale	Craft	Kelly	Phillips
Bedsole	Ellis	Leith	Rogers (Lauderdale)
Briscoe	Espy	Moore	Sims
Butler	Evins	Morris	Smith (Coosa)
Carlton	Griffith	McDowell	West

—28

*Nay*: Mr. Tally.

The bill:

S. 34. To amend section 3101 of the Code.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

*Yeas*:

Messrs:

Acker	Carmichael	Huddleston	Norwood
Baker	Craft	Kelly	Phillips
Beale	Ellis	Leith	Rogers (Lauderdale)
Bedsole	Espy	Moore	Sims
Briscoe	Evins	Morris	Smith (Coosa)
Butler	Griffith	McDowell	Tally
Carlton	Harper	Nance	West

—28

*Nays*:—None.

The bill:

S. 58. To amend section 6964 of chapter 224 of the Code of 1907. (Relates to open season on squirrels.)

Was taken up.

The Standing Committee on Fish, Game and Forestry offered the following amendment to said bill, to-wit:

Amend by striking the figures 1st after the word November, and inserting in lieu thereof the figures 15th.

Mr. Bedsole moved that the amendment offered by the committee be laid on the table, which motion prevailed and said amendment was laid on the table.

Mr. Baker offered the following amendment to said bill:  
 "Amendment to Senate bill No. 58."

That the words "from the first day of November to the first day of the following February of each year" be inserted in place of "On or from November 1st in each year to the following January 1st."

Which was adopted.

Yeas, 27; nays, 2.

*Yeas:*

Messrs:

Acker	Carmichael	Huddleston	Norwood
Baker	Cowan	Kelly	Phillips
Beale	Craft	Leith	Rogers (Lauderdale)
Bedsole	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Carlton	Harper	Nance	West

—27

*Nays:*

Messrs:

Leith                      Rogers (Sumter)

—2

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; nays, 3.

*Yeas:*

Messrs:

Acker	Carlton	Evins	Phillips
Baker	Carmichael	Harper	Rogers (Lauderdale)
Beale	Cowan	Moore	Sims
Bedsole	Craft	Morris	Smith (Coosa)
Briscoe	Ellis	Nance	Tally
Butler	Espy	Norwood	West

—24

*Nays:*

Messrs:

Huddleston              Leith                      Rogers (Sumter)

—3

#### LEAVE OF ABSENCE.

On motion of Mr. Bedsole, leave of absence was granted Mr. Brown.

#### ADJOURNMENT.

At 4:15 P. M., on motion of Mr. Acker and in pursuance of House joint resolution No. 12, the Senate adjourned until 10 o'clock Thursday morning, January 23rd, 1919.

## SEVENTH DAY.

Thursday, January 23rd, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

## PRAYER.

By Rev. Dr. Briscoe, of the Senate.

## ROLL CALL.

Mr. President and

Messrs:

Acker	Carmichael	Harper	Phillips
Baker	Cowan	Kelly	Rogers (Lauderdale)
Beale	Craft	Leith	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Espy	McDowell	Smith (Coosa)
Brown	Evins	Nance	Tally
Butler	Griffith	Norwood	West
Carlton			

—29

## JOURNAL.

On motion of Mr. Bedsole, the reading of the Journal of yesterday was dispensed with and the same was approved by the Senate.

## PRIVILEGES OF THE FLOOR.

On motion of Mr. Rogers of Sumter, the privileges of the floor were extended to Ex-Senator Cooper of Bibb, and John W. Lapsley of Dallas, and E. W. Pettus of Dallas.

On motion of Mr. Griffith, the privileges of the floor were extended to Hon. F. E. St. John of Cullman.

## REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills, beg leave to report, that said committee, in session, have compared the following bill, with the engrossed and original bill, respectively, and find same correctly enrolled, to-wit:

S. 4. To amend section 3722 of the Code of 1907.

C. S. McDowell,  
Chairman.

## SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a

two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following bill:

S. 4. To amend section 3722 of the Code of 1907.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

H. 5. To create the Alabama memorial commission, to prescribe its powers and duties, and make an appropriation in aid thereof.

Also:

H. 58. A bill entitled an act to provide for the drawing, summoning and empanneling of juries for the circuit courts of Marshall county, and in every way provide a special jury law for Marshall county.

With notice and proof attached and herewith exhibited as follows:

#### NOTICE.

Notice is hereby given that I will introduce at the next session of the Legislature of Alabama the following bill, to-wit:

#### A BILL

Entitled an act to provide for the drawing, summoning and empanelling of juries for Marshall county, and in every way provide a special jury law for Marshall county.

Thomas E. Orr,  
Representative-elect for Marshall County.

State of Alabama, }  
Marshall County. }

Before me, Gordon Gilbreath, judge of probate in and for said county, personally appeared C. G. Fennell, published of the Guntersville Democrat, a newspaper published in Marshall county, Alabama, at Guntersville, who being my first duly sworn, deposes and says that the following notice, to-wit: "Notice." "An act entitled an act to provide for the drawing, summoning and empanneling of juries for the circuit court of Marshall county and in every way provide a special jury law for Marshall county, will be introduced in the next Legislature of Alabama," a copy of which notice is hereto attached and made a part of this affidavit, was published for four successive weeks in said newspaper, beginning on the 11th day of December, 1918, and ending on the 1st day of January, 1919.

C. G. Fennell.

Subscribed and sworn to before me this day of January, 1919.

Gordon Gilbreath,  
Judge of Probate.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 5. To the Committee on Public Buildings and Grounds.

H. 58. To the Committee on Judiciary.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Brown:

S. 90. To provide for extension work in agriculture and home economics by giving instruction to men, women, and young people in the several counties in Alabama, by continuing and improving farm demonstration work, by organizing marketing clubs, by organizing and supervising boys' corn and pig clubs, girls' canning clubs, women's clubs in home economics and by conducting other extension work through other means, all with a view to making farm life more profitable and attractive; to secure for Alabama the full amount of the funds conditionally appropriated by Congress under the Smith-Lever extension act for extension work in agriculture and home economics; and to make appropriations for these purposes.

Finance and Taxation.

By Mr. Brown:

S. 91. To authorize the court of county commissioners to establish private roads and to provide for their upkeep and payment of damages to landowners over whose land road passes.

Public Roads and Highways.

By Mr. Acker:

S. 92. To declare and abate nuisances defined in the act, and to prescribe procedure, remedies, punishment and penalties.

Judiciary.

By Mr. Acker:

S. 93. To exempt from taxation bonds of the United States known as Liberty Bonds, and to authorize the deduction of the value of such bonds when held by a corporation in fixing the value of shares of such corporation for taxation.

Finance and Taxation.

By Mr. Acker:

S. 94. To authorize the governor to make a temporary appointment to fill a vacancy in the office of senator from the State of Alabama in the Senate of the United States.

Privileges and Elections.



By Mr. Harper:

S. 95. To amend sections 2 and 3 of an act entitled "An act to establish a board of revenue for Shelby county, and to abolish the court of county commissioners thereof," passed at the session of 1911, being in Local Acts of Alabama, page 154, said amendment making the president and members of said board elective by the qualified voters of said county, and fixing the term of office of said president and members of said board and the time of their election and providing that in case of a vacancy in the office of president or a member of said board, the vacancy shall be filled by election by a majority of the members of the board, for the unexpired term; and providing further that the president and members of the board now holding office shall hold their said office until their successors are elected and qualified under the provisions of this act.

Judiciary.

With notice and proof attached and hereby exhibited as follows:

#### NOTICE!

To Whom It May Concern:

Notice is hereby given of the intention to apply to the Legislature of Alabama to convene in the city of Montgomery, Alabama, on the 14th day of January, 1919, for the passage of an act entitled "An act to amend sections 2 and 3 of an act entitled "An act to establish a board of revenue for Shelby county, and to abolish the court of county commissioners thereof," passed at the session of 1911, being in Local Acts of Alabama, page 154, said amendment making the president and members of said board elective by the qualified voters of said county, and fixing the term of office of said president and members of said board and the time of their election, and providing that in case of a vacancy in the office of president or a member of said board the vacancy shall be filled by election by a majority of the members of the board, for the unexpired term; and providing further that the president and members of the board now holding office shall hold their said office until their successors are elected and qualified under the provisions of this act.

The State of Alabama, }  
Shelby County. }

Before me, the undersigned authority in and for said county, in said State, personally appeared J. F. Norris, who is known to me, and who being by me first duly sworn, deposes and says: That he is editor, proprietor and publisher of The Peoples Advocate, a newspaper published at Columbiana, Shelby county, Alabama; that the same is and has been published and issued in weekly editions regularly in said county for more than twelve months last past and that the notice hereto attached marked Exhibit A was published without cost to the State of Alabama once a week for four consecutive weeks, in said newspaper, in said county, said publication commencing on the 26th day of December, 1918, and ending on the 16th day of January, 1919.

J. F. Norris.

Sworn to and subscribed before me on this the 16th day of January, 1919.

(Seal.)

G. W. Weaver,  
Judge of Probate.

By Mr. Kelly :

S. 96. To amend section twelve of an act to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same; and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties.

Public Roads and Highways.

By Mr. McDowell, Jr.

S. 97. To make an appropriation for the equipment and maintenance of the Alabama room in the Confederate memorial museum at Richmond, Virginia.

Finance and Taxation.

By Mr. Craft (by request) :

S. 98. To protect savings deposits from being made subject to current checking accounts through the requiring of notice of withdrawal.

Banking and Insurance.

By Mr. West:

S. 99. To provide for the payment and retirement of claims against the fine and forfeiture fund in counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

Finance and Taxation.

By Mr. West:

S. 100. To provide for the payment of fees, charges and commissions of county officers, and fines and forfeitures into the general fund of the county, in counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

Finance and Taxation.

#### REPORTS OF COMMITTEES.

Mr. Sims, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit :

By Mr. Moore (with amendments).

S. 63. To amend section 6899, chapter 219, of the Code of Alabama. (Relates to poisoning streams or using explosive substances to catch fish.)

By Mr. Baker:

S. 43. To amend section 4747 of the Civil Code of Alabama.

Mr. Butler, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gunter:

S. 47. To amend section 2047 of the Code of Alabama, 1907.

By Mr. Bedsole:

S. 28. To amend section 883 of the Code of Alabama.

Mr. West, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. West:

S. 68. Relating to dependent, neglected, or delinquent children in all counties of Alabama which have a population of as many as one hundred and fifty thousand people according to the last Federal census, or which shall have such population according to any such census that may be taken hereafter; to define who are, dependent, neglected or delinquent children; to declare that such children shall be wards of the State; to provide for their custody, discipline, supervision, care, protection, guardianship and welfare; to create and establish in such counties juvenile courts, and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction, under the terms of this act, to try and determine the question of the dependency, neglect or delinquency of children in such counties, and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training; and generally to confer upon such courts jurisdiction and power to try and determine all questions arising under the terms of this act, or which may be otherwise referred to them by law, for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this act; to provide for the trial and punishment of those who aid, abet, cause, connive at, or contribute to the dependency, neglect, or delinquency of such children;

to provide and regulate the procedure in such cases, and to confer power upon such courts to make such rules and regulations and to devise such forms, where not otherwise provided for under the terms of this act, as shall be found necessary or convenient to the exercise of its jurisdiction, or which shall be necessary or convenient for the conduct of the county shelter, or parental school, or for the conduct of probation officers or their work as provided for in this act; to provide for the taking and enforcement of recognizances and bonds, and for the taking of appeals from the decisions of such courts; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent under the terms of this act; to provide for the establishment and maintenance of a detention home, or parental school, and for the appointment and compensation of probation officers; to provide for the appointment of a referee or referees and to define their power and duties; to provide for the appointment of an advisory board to such courts, and to define the duties and powers of such boards; to provide for the appointment of the judge and other officers of such courts and to define their powers and duties and provide for their compensation; to declare that should any part of this act be found to be unconstitutional that it shall not affect the remainder thereof, and to provide for the repeal of all laws in conflict with this act.

Mr. Carmichael, chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report:

By Mr. Carmichael:

S. 89. To provide for the appointment of a commission to make a study of the public school system of Alabaam and to make an appropriation therefor.

And on motion of Mr. Carmichael, said bill was read a second time, and was, under a suspension of the rules, placed on the calendar for a third reading tomorrow.

Also:

By Mr. Carmichael:

S. 82. To provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100) worth of taxable property in such county; to authorize any school district, in any county that may be levying special county taxes for school purposes of not less than thirty

(30) cents on each one hundred dollars (\$100) worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100) worth of taxable property in such school district; and to authorize boards of education to issue interest-bearing warrants to erect, repair and equip school buildings and to otherwise improve school facilities.

On motion of Mr. Carmichael, said bill was read a second time, and, under a suspension of the rules, placed on the calendar for a third reading tomorrow.

Mr. Moore, chairman of the Standing Committee on Fish, Game and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Moore (with amendment):

S. 60. To declare all State lands, whether held in fee or in trust by the State, forest reserves and game refuges; to prohibit the cutting of any tree or timber thereon, or setting fire to any inflammable substance growing on the same; to make it unlawful for any person to hunt, trap, net or otherwise kill or take any of the protected wild animals or resident birds thereon; to provide penalties for the violation of the provisions of this act, and to provide procedure in all cases where the State's right or title to such lands is brought into question or interposed as defense by any person on trial for violation of this act.

By Mr. Moore:

S. 61. To provide for the better enforcement of the game and fish laws; to provide for the appointment of deputy game and fish wardens in the several counties of this State and to prescribe their duties.

By Mr. Moore:

S. 62. To change the date of the expiration of hunters' licenses from December 31st each year to September 30th each year; and to permit all persons to whom hunters' licenses have been issued for the calendar year 1919 to exchange such licenses during the month of September, 1919, for hunters' licenses expiring September 30, 1920, upon the surrender of the hunters' licenses issued to them for the calendar year 1919, and allowing them a credit in the amount of one-fourth of the purchase price of such licenses.

By Mr. Moore:

S. 64. For the further protection of fish. To make it unlawful for any person to take or catch fish by the means of any net,

seine, trap, or any other device as a substitute therefor, in any of the creeks, rivers or other streams, or in any of the estuaries, lagoons or lakes emptying into any of the salt waters, or bays of this State, and to prescribe penalties for the violation of the provisions of this act.

By Mr. Moore:

S. 65. To protect wild fur-bearing animals; to provide a season during which they may be legally trapped or taken; to provide a license for those engaged in trapping wild fur-bearing animals; and to provide penalties for the violation of this act.

Mr. Butler, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Acker:

S. 74. To better secure the administration of the financial affairs of the State in respect to expenditures and appropriations; and for that purpose to establish a State budget commission, and prescribe rules and regulations governing the same.

#### RESOLUTIONS.

Mr. Rogers of Sumter, offered the following Senate joint resolution:

#### SENATE JOINT RESOLUTION.

S. J. R. 23. Whereas, the Congress of the United States has, on several occasions, most generously granted thousands of acres of the most valuable lands in the State to the State of Alabama in trust, to establish and maintain certain institutions of learning; and by such grants imposed upon and charged the State with the duty of utilizing those lands to the best advantage for the beneficiaries of the trust; and,

Whereas, many of these lands were located and selected by that statesman, the Col. A. C. Hargrove, now deceased, and most eminent State Geologist, Dr. Eugene A. Smith, solely on account of their richness in coal; and,

Whereas, the government of the United States has spent more than fifteen millions of dollars in the construction of locks and dams on the Warrior river, in order to give perennial navigation for transportation of these coals and other products to the Gulf, to the end and that the United States itself might obtain these coals for use on its sea-going vessels; and,

Whereas, the whole world is now and will in the future be in crying need of these coals which can be mined more cheaply and transported more easily and quickly to the sea than any coals in the world.

Whereas, the government of the United States has, in recognition of these facts, recently decided to take over the operation of navigation on the Warrior, and to that end will spend more than a million of dollars to equip the river with adequate facilities for transportation of these coals to sea-going vessels and thus promote and speed the commerce of the world.

Whereas, these coals are in inexhaustible quantities and on account of their proximity to the sea and to the Warrior, they can be mined and transported to the seaports more easily and cheaply than any coals in the world; therefore,

Be it resolved, That it is the sense of this Senate that the State of Alabama at as early date as practicable, should develop and utilize these coal lands so held in trust by it, by using its convict labor in mining and transporting these coals to the Gulf, so that they may be used by the United States, navies and otherwise, to promote and protect the commerce of the world.

Which was read and referred to the Standing Committee on Rules.

Mr. Leith offered the following Senate joint resolution:

S. J. R. 24. Resolved, That a joint committee of the Senate and the House of Representatives of the Alabama Legislature be appointed forthwith, which committee shall consist of two members of the Senate and three members of the House, and who shall report to this Legislature not later than its 20th legislative day a constructive and practicable system for the employment of the State of all State and county convicts as a substitute for the present convict lease system.

That said committee shall be paid the same per diem as members of the Legislature, including mileage, and be paid in the same way on certificate being issued by the chairman of said committee.

Which was read and referred to the Standing Committee on Rules:

Mr. Kelly offered the following Senate joint resolution:

S. J. R. 25. Resolved by the Senate, the House concurring, That a committee be appointed to consist of two on the part of the Senate and three from the House, whose duty it shall be during the recess to study and gather information on the subject of constructing and maintaining the public roads of the State and report needed legislation.

Which was read and referred to the Standing Committee on Rules.

Mr. Espy offered the following Senate joint resolution:

S. J. R. 26. Whereas, the world's visible supply of cotton is short of the world's needs; and,

Whereas, the present speculative price is the result of a bear raid on the market which has depressed the price far below the cost of production and a fair profit to the producer; and,

Whereas, the process of cotton goods are out of all proportion to the price of raw cotton:

Be it resolved by the Senate, the House of Representatives concurring, That we urge the farmers and holders of spot cotton in the South to hold tenaciously to their cotton until the present bear movement is broken and a fair price for cotton can be obtained. The South has the world's visible supply of cotton in her own hands and is able to hold it longer than the world can wait for its supply. A satisfactory price will ultimately be obtained if the South will hold its cotton with a determination to win.

Be it further resolved, That we urge the bankers and merchants to lend money or make advances on cotton as collateral until the embargo on cotton is removed and a fair price is obtained. We urge that the Legislature of other cotton-growing states take similar action.

Which was read and referred to the Standing Committee on Rules.

#### LEAVE OF ABSENCE.

On motion of Mr. Griffith, Mr. Huddleston was granted an indefinite leave of absence.

#### REPORT FROM COMMITTEE OF ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills, beg leave to report, that said committee, in session, have examined and compared the following engrossed bills with the originals and find same correctly engrossed, to-wit:

S. 17. To regulate the assessment of cost of public improvements against property by municipalities, and to provide a method by which assessments originally levied against a tract of land may be split and divided among the interested property owners, and providing for the correction of errors in the descriptions of ownerships, and for reducing the assessments before, pending appeal, or after an appeal has been decided, and author-



izing the governing bodies of cities to settle and compromise cases of assessment or judgments thereon.

S. 18. To authorize and empower all cities of the State of Alabama having more than 100,000 population according to the last or any subsequent Federal census to condemn or acquire by purchase or otherwise, a right-of-way, easement or other interest in land for the purpose of connecting private property with the sanitary or storm sewerage system of any such city, and to assess the cost of the acquisition of such right-of-way, easement or other interest in such land, and the cost of constructing such connection, against the property benefited thereby.

S. 19. To authorize and empower all cities of the State of Alabama which have a population of more than 100,000, according to the last or any subsequent Federal census, to construct, reconstruct, repair, renew or otherwise improve bridges, culverts and waterways, and to provide for an assessment of the cost thereof.

S. 23. To authorize municipalities to maintain a bill in equity in the name of the city to abate or enjoin a public nuisance injurious to the health, morals, comfort or welfare of the community.

S. 24. To provide for the assessment and collection of municipal general and special taxes, without any commission or compensation whatsoever in all cities in the State of Alabama having a population of more than 100,000 according to the last or any subsequent Federal census, and to repeal, etc., sections 36 or 37 of an "Act to provide for and regulate the assessment, levy and collection of municipal taxes of all cities in the State of Alabama having over 100,000 population, according to the last Federal or State census, or according to any succeeding Federal or State census, to define the duties of the State, county or municipal officers in regard thereto, to fix a tax year for such cities, and to make the county tax collector of each county ex-officio the collector of property tax for each of said cities within the county." Approved March 4th, 1911.

S. 25. To prescribe the limitation within which actions to test the validity of municipal bonds or elections to levy taxes or to issue bonds shall be commenced.

S. 27. To establish the court of county commissioners for Covington county, Alabama; to provide for the selection of its members and fix their duties and compensation; to fix the duties and jurisdiction of the court; to divide the county into commissioner's districts, and to abolish the board of revenue of said county.

S. 31. To amend section 7 and 23a of an act approved April 24th, 1911, entitled "An act for the regulation and control of fraternal benefit societies and repealing said sections 7 and 23a," and authorizing issuance of certificates to children and a basis of valuation of assets.

R. B. Evins,  
Chairman.

#### REPORT FROM COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Griffith, chairman of the Standing Committee on Revision of the Journal, begs leave to report that said committee, in session, has examined the Journal of the Senate for the 2d, 5th and 6th legislative days, and find same contains the proper entries in reference to each bill and resolution contained therein, as required by the Constitution.

A. A. Griffith,  
Chairman.

#### COMMITTEE REPORT.

On motion of Mr. Griffith, the foregoing report from the Committee on Revision of the Journal was adopted and the Journals of the 2d, 5th and 6th legislative days of the session, were approved by the Senate.

#### BILLS ON THIRD READING.

The bill:

H. 7. To further suppress the evils of intemperance; to restrict the receipt, possession and delivery of spirituous, vinous, malted, fermented, or other intoxicating or prohibited liquors and beverages, and fixing punishment and penalties.

Was read a third time at length and passed.

Yeas, 21; nays, 7.

#### Yeas:

Messrs:

Acker	Carmichael	Harper	Norwood
Beale	Cowan	Kelly	Phillips
Bedsole	Ellis	Leith	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Griffith	Nance	West
Butler			

—21

#### Nays:

Messrs:

Baker	Evins	McDowell	Tally
Carlton	Moore	Rogers (Lauderdale)	

—7

## ORDER TO PRINT.

On motion of Mr. Kelly, 300 copies of the bill:

S. 55. To create a State highway department; to define its powers and duties; to authorize State aid in the construction and maintenance of public roads and bridges; to create a State highway fund and to provide for its expenditure; to impose certain duties upon county and municipal officials and to provide a penalty for their failure to discharge same; to authorize the State highway department to work State convicts upon public roads and bridges; to assent to the act of Congress approved July 11, 1916, known as the "Federal aid law" and to authorize the State highway department to cooperate with the United States government in the construction and maintenance of rural post roads; and to repeal the act approved April 5, 1911, entitled "An act to provide for the creation of a State highway commission," defining its powers, duties and compensation, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources.

Were ordered printed for the use of the Senate.

On motion of Mr. Butler, 500 copies of the bill:

S. 74. To better secure the administration of the financial affairs of the State in respect to expenditures and appropriations, and for that purpose to establish a State budget commission, and prescribe rules and regulations governing the same.

Were ordered printed for the use of the Senate.

On motion of Mr. Acker, the following memorial of the colored people of Alabama was read and referred to appropriate standing committees:

## THE NEGRO BETTERMENT LEAGUE OF ALABAMA.

*To His Honor, the Governor, and Both Branches of the Legislature of the State of Alabama:*

Honored Sirs: Greetings.

Being identified with, as part and parcel of the Negro race in the State of Alabama, and knowing their condition and needs, as well as their strivings and longings, and knowing your great desire to put on the statute books those laws that shall be helpful to all classes of citizens, we beg to place before your honorable body the suggestions in this prayer.

Though deplorable errors have been made here and there by members of our race, we have striven as representatives to do and have at all times

urged our race to their best in the work of developing the possibilities of our great commonwealth.

When called upon in any cause for our State or nation, we have stood and now stand ready to do our part as we are able. In the great world war in every field of endeavor we were proud to show our country that we are not slackers and can be depended upon in any crisis.

Now that the war is over and peace is being established, we are ready to aid in the great work of readjustment and reconstruction. We can render aid in such needed development in proportion as we have intelligence, civic opportunity, protection and encouragement.

The war has brought about conditions that have promoted restlessness and discontent on the part of our race already dissatisfied over the uncertainty of life, the poor provisions for their improvement and their limited opportunities. The Negroes are not unwilling to remain in the South, and we think they should largely remain in the South, where large acreage can be had upon which they can engage in agricultural pursuits for which a large percentage of them are adapted. But unless consideration for their proper development and for their protection and for suitable opportunities for their children is given them in this section, they feel compelled to seek safety for their lives and opportunities for their children in sections that will furnish such environments.

Knowing their hearts, their strivings and their desires, we are most respectfully and prayerfully asking your consideration of the following prayer and petition:

1. There is great need of a larger activity in educational affairs among our people in order to reduce our illiteracy and to make our people better fitted for citizenship.

Statistics show that in the State of Alabama there are approximately two hundred thousand Negroes over ten years of age that can neither read nor write, and that less than \$2.00 is paid annually for the education of each Negro child. Scientific agriculture and teacher training for the Negro population of our State receive very small consideration. We therefore ask that the compulsory educational law be enforced for Negro children, that agricultural instructions and teacher training be provided and a larger provision be made for the education of Negro children by increased appropriations for teachers' salary, better schools and adequate equipment in the common schools. In order that we may be ready for any call by our State or nation to serve as soldiers, we call attention to the matter of military training for Negro youth.

2. The accommodation of common carriers, especially railroads with their waiting rooms for Negro passengers in the State of Alabama, furnishes such miserable accommodation that the discrimination against them is openly apparent. The cars and waiting rooms set aside for Negro passengers are not only uncomfortable, but are so unclean as to become dangerous to health, which indirectly reaches all other citizens.

We ask that these common carriers give to the Negro passengers just such accommodations for first-class fares as are given to other passengers who pay the same fare.

3. The records show that from 1885 to 1918, 3,785 persons have been lynched in the United States, and that while others have suffered illegal execution, more than 95 per cent of those lynched were Negroes. This large number of murders by mobs has created and is now creating a tremendous spirit of unrest among the Negroes in our State, and largely influenced by the feeling of insecurity for their lives, they are gradually leaving this section. Nothing less than legislation that will give proper protection for their lives will stay this gradual tide of emigration.

We therefore ask that in order that the declaration of our distinguished President Wilson against lynching be carried out, that a law strengthening the position of the present administration in its prosecution of lynchers, be enacted. We believe that a law providing that the nearest of kin to the one lynched in the State shall receive \$10,000 from the county in which the lynching takes place, and that the sheriff and his assistants who allow prisoners to be lynched in their county shall be removed from office and that certain punishment shall await those convicted of lynching, will have a salutary effect upon his awful practice against our people and against the dignity of the law.

4. Realizing the dreadful effect of the liquor traffic upon the people of our race, we ask on their behalf and for their salvation that the Federal amendment to abolish the use of liquor in the United States be endorsed by the present Legislature.

5. We ask for the impartial enforcement of the constitutional provision for the franchise, so that full privilege to vote shall be given to members of the Negro race who are qualified under the constitutional provision. The discretionary requirements demanded of Negroes by the registrars often made it impossible for many Negroes, though well qualified, to register. Germans, Italians, French and others register on their own recognizance without being recommended. We ask for the same for the Negro.

6. We ask that the wages and living conditions be placed as largely as possible under a commission composed of one member of the Legislature or citizens representing both races, who shall be empowered to investigate and make recommendations for the Legislature for proper regulation.

The committee representing the Interdenominational Ministerial Alliance and the Negro Betterment League is composed of the following:

Respectfully submitted,

W. A. Tutt, President  
J. A. Bray, Secretary  
Oscar W. Adams  
W. L. Boyd  
J. F. Fitzpatrick  
John W. Goodgame  
W. J. Turner  
R. N. Hall  
R. T. Pollard  
A. K. Hawkins  
J. B. Carter  
J. H. Kelly  
W. H. Mixon  
E. W. Williams  
T. W. Coffee  
R. M. Davis  
W. H. Hollaway

RECESS.

At 11:30 o'clock A. M., on motion of Mr. Acker, the Senate took a recess until 2:30 this afternoon.

## AFTERNOON SESSION—SEVENTH DAY.

Thursday, January 23rd, 1919.

The Senate re-assembled at 2:30 o'clock P. M., Lieutenant Governor Miller presiding.

## ROLL CALL.

On a call of the roll 25 members answered to their names, a quorum of the Senate.

## RESOLUTION.

Mr. Baker offered the following Senate joint resolution:

S. J. R. 27. Be it resolved by the Senate, the House concurring, That the Legislature adjourn Friday, the 24th inst., until 10 o'clock A. M., Tuesday, the 28th inst.

Which was read and referred to the Standing Committee on Rules.

## LEAVES OF ABSENCE.

On motion of Mr. Baker, leave of absence was granted him for tomorrow.

On motion of Mr. Evins, leave of absence was granted Mr. Gunter for today and tomorrow.

On motion of Mr. Moore, he was granted leave of absence for tomorrow.

On motion of Mr. Bedsole, he was granted leave of absence for tomorrow.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Acker:

S. 101. To create a State board of control and economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing the said board.

Judiciary.

By Mr. Acker:

S. 102. To provide for the consolidation of corporations not of a business character.

Corporations.

By Mr. Acker:

S. 103. To revoke conditional and contingent appropriations heretofore made by the Legislature insofar as they remain unpaid at the time of the passage of this act, and to repeal such existing appropriation bills insofar as the appropriations respectively remain unpaid.

Finance and Taxation.

By Mr. Leith:

S. 104. To amend section 7881 of the Code of Alabama of 1907.

Revision of Laws.

#### REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDowell:

S. 36. To confirm the sales of real estate made in this State under and by power of sale contained in mortgages, where the real estate was sold as a whole, and not in separate pieces.

By Mr. Evins (by request):

S. 56. To regulate in part the time of trial of criminal cases.

By Mr. Ellis:

E. 40. To amend section 6168 of the Code of Alabama of 1907.

By Mr. Kelly:

S. 66. To amend an act approved September 15th, 1915, entitled "An act to require all county solicitors, all circuit solicitors, any solicitors of any court of record to give opinions to all county officials in all matters connected with their offices, except in suits against official bonds."

By Mr. Ellis:

S. 38. To authorize the making and entering of record of certain orders and decrees in probate courts; providing the method of obtaining same and defining the effect thereof.

Mr. Leith, chairman of the Standing Committee on Mining and Manufacturing, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Leith:

S. 53. Prescribing the liability of an employer to make compensation by way of damages for injuries due to accident re-

ceived by an employee arising out of and in the course of employment and providing for the enforcement of same, modifying common law and statutory remedies, in such cases. establishing an alternative elective schedule of compensation, regulating procedure for the determination of liability and compensation thereunder in certain cases, and prescribing penalties for the violation thereof; and providing a lien for attorney's fees and for medical and surgical services.

Mr. Kelly, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Griffith:

S. 70. To provide a better system of public roads for the county of Cullman, State of Alabama.

#### ADVERSE REPORT.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee in session, had acted on the following bills and ordered same returned to the Senate with an adverse report:

By Mr. Sims:

S. 75. To confer upon clerks of the circuit court of all the counties of the State of Alabama, except counties having a population of more than fifty thousand people, according to the last preceding Federal census, all the powers, authority, and jurisdiction of registers in chancery and registers of the circuit court, and to require them to perform all the duties required of registers in chancery and registers of the circuit court by law.

By Mr. Brown:

S. 11. To repeal sections 3279, 3280 and 3281 of the Code of Alabama of 1907.

By Mr. Brown:

S. 13. To repeal sections 3279, 3280 and 3281 of the Code of Alabama of 1907.

By Mr. Bealle:

S. 27. To require that a copy of the published notice and affidavit of the publisher that the notice has been published for the requisite time, together with a receipt from the publisher showing payment of the printer's fee, be made a part of the record of all action or suits in which by statute or by order of the court any publication of notice is required and to make such



record, or a certified copy thereof, the best evidence of such publication and admissible in evidence without further proof.  
By Mr. Espy:

S. 86. To provide and prescribe that the term "assessed value of the property therein" as contained in section 224 of the Constitution of 1901 of this State, providing a limitation for incurring indebtedness by the counties thereof, shall be one hundred per cent of the actual valuations of property of each county for the purpose of creating indebtedness and adjusting the same, only.

#### ORDER TO PRINT.

On motion of Mr. Acker, 500 copies of the bill:

S. 101. To create a State board of control and economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing the said board.

Were ordered printed for the use of the Senate.

#### ADJOURNMENT.

On motion of Mr. Acker, the Senate at 2:55 P. M., adjourned until 10 o'clock tomorrow morning, January 24th, 1919.

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#### EIGHTH DAY.

Friday, January 24th, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

#### PRAYER.

By Rev. Dr. Crumpton, of the city.

#### ROLL CALL.

Mr. President and  
Messrs:

Acker	Craft
Beale	Ellis
Briscoe	Evins
Brown	Griffith
Butler	Harper
Carlton	Kelly
Carmichael	Leith

Morris
McDowell
Nance
Norwood
Phillips
Rogers (Lauderdale)

Rogers (Sumter)
Sims
Smith (Coosa)
Smith (Lawrence)
Tally
West

## JOURNAL.

On motion of Mr. Acker, the reading of the Journal of yesterday was dispensed with and the same was approved by the Senate.

## PRIVILEGES OF THE FLOOR.

On motion of Mr. Tally, the privileges of the floor were extended to Mr. J. H. Hurt, of Scottsboro, and Mr. George Scruggs, of Selma, for today.

On motion of Mr. Smith of Lawrence, the privileges of the floor were extended to Mr. W. J. Nesbit, of Morgan, for today.

## LEAVES OF ABSENCE.

On motion of Mr. Evins, Mr. Miller was granted an indefinite leave of absence on account of illness.

On motion of Mr. Evins, leave of absence was granted Mr. Cowan for today.

On motion of Mr. Smith of Coosa, he was granted leave of absence for today.

On motion of Mr. Brown, he was granted leave of absence for this afternoon.

On motion of Mr. Ellis, leave of absence was granted Mr. Prestwood for today.

On motion of Mr. Morris, leave of absence was granted Mr. Espy for today.

## REPORT FROM COMMITTEE OF ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills, beg leave to report that said committee, in session, have examined and compared the following engrossed bills with the originals and find same correctly engrossed, to-wit:

S. 15. To amend section 6657 of the Code of Alabama.

S. 34. To amend section 3101 of the Code.

S. 58. To amend section 6964 of chapter 224 of the Code of 1907. (Relates to open season on squirrels.)

R. B. Evins,  
Chairman.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Acker:

S. 105. To appropriate the further sum of seventy-five hundred (\$7,500.00) dollars, or so much thereof as may be necessary to pay for the transportation of troops of the Alabama National Guard that were heretofore and prior to September 29th, 1915, transported by railroad common carriers on the request or order of the governor or the adjutant general of Alabama, reimbursement for which, on account of the deficiency of the appropriation for that purpose as heretofore made by the act, approved September 29th, 1915, entitled, "An act to appropriate the sum of seven thousand four hundred and fifty-six and seven one-hundredths (\$7,456.07) dollars to pay for the transportation of troops of the Alabama National Guard heretofore transported by railroad common carriers on the request or order of the governor or adjutant general," has not been made in full to said carriers.

Finance and Taxation.

By Mr. Acker:

S. 106. To provide for the prosecution of misdemeanors by complaint and summons, to regulate the practice and procedure of such prosecutions, and to provide for the duty of magistrates and officers in such prosecutions, and to provide for the fees and costs in such cases.

Revision of Laws.

By Mr. Acker:

S. 107. To authorize a city of more than twelve thousand inhabitants and less than twenty-five thousand inhabitants, as shown by the last preceding census of the United States, having a tax rate of not more than one-half of one per cent to charge a reasonable annual rental for toilets on private premises connected with the sanitary sewers belonging to and maintained by the city; to make said charge a lien on the premises and to provide a method for the collection and enforcement of the same.

Municipalities and Municipal Organizations.

By Mr. Acker:

S. 108. To authorize the trial court to impose an indeterminate sentence in all felonies for which the court fixes the punishment; to provide for the parole of convicts under indeterminate sentence and to authorize the board of pardons to establish rules in the matter of paroles.

Judiciary.

#### REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the

following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Acker:

S. 92. To declare and abate nuisances defined in the act, and to prescribe procedure, remedies, punishments and penalties.

By Mr. Orr:

H. 58. To provide for the drawing, summoning and empanelling of juries for the circuit courts of Marshall county, and in every way, provide a special jury law for Marshall county.

Mr. Butler, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Brown:

S. 90. To provide for extension work in agriculture and home economics by giving instruction to men, women, and young people in the several counties in Alabama, by continuing and improving farm demonstration work, by organizing marketing clubs, by organizing and supervising boys' corn and pig clubs, girls' canning clubs, women's clubs in home economics and by conducting other extension work through other means, all with a view to making farm life more profitable and attractive; to secure for Alabama the full amount of the funds conditionally appropriated by Congress under the Smith-Lever extension act for extension work in agriculture and home economics; and to make appropriations for these purposes.

By Mr. Acker (with substitute):

S. 93. To exempt from taxation bonds of the United States known as Liberty Bonds, and to authorize the deduction of the value of such bonds when held by a corporation in fixing the value of shares of such corporation for taxation.

By Mr. McDowell:

S. 97. To make an appropriation for the equipment and maintenance of the Alabama room in the Confederate memorial museum at Richmond, Virginia.

By Mr. West:

S. 99. To provide for the payment and retirement of claims against the fine and forfeiture fund in counties having a population of two hundred thousand or more, according to the last or any subsequent Federal census.

By Mr. West:

S. 100. To provide for the payment of fees, charges and commissions of county officers, and fines and forfeitures into

the general fund of the county, in counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

By Mr. Acker:

S. 103. To revoke conditional and contingent appropriations heretofore made by the Legislature insofar as they remain unpaid at the time of the passage of this act, and to repeal such existing appropriation bills insofar as the appropriations respectively remain unpaid.

Mr. Nance, chairman of the Standing Committee on Public Buildings and Grounds, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Merritt:

H. 5. To create the Alabama memorial commission, to prescribe its powers and duties, and to make an appropriation in aid thereof.

Mr. Phillips, chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Acker:

S. 94. To authorize the governor to make a temporary appointment in the office of senator from the State of Alabama in the Senate of the United States.

Mr. Kelly, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Brown:

S. 91. To authorize the court of county commissioners to establish private roads and to provide for their upkeep and payment of damages to landowners over whose land road passes.

By Mr. Kelly:

S. 96. To amend section twelve of an act to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same;

and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties.

#### REPORT FROM RULES COMMITTEE.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate joint resolution and ordered the same returned to the Senate with a favorable report, and on motion of Mr. Acker, said resolution was, under a suspension of the rules, unanimously adopted by the Senate, *io-wit*:

S. J. R. 27. Be it resolved by the Senate, the House concurring, That the Legislature adjourn Friday, the 24th inst., until 2 o'clock P. M., Tuesday, the 28th inst.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House joint resolutions:

#### A JOINT RESOLUTION.

By Mr. Huey:

H. J. R. 17. Resolved by the Legislature of Alabama, That the senators and representatives from Alabama in the Congress of the United States be requested to procure from the Federal government a grant of so much of the land and buildings of Camp McClellan, near Anniston, Alabama, as will be sufficient to establish therein a sanatorium for the treatment of persons suffering from tuberculosis and for the dissemination of correct information to avoid and prevent the spread of that disease.

By Mr. Long of Sumter:

H. J. R. 18. Resolved by the House, Senate concurring: Whereas, the world's visible supply of cotton is short of the world's needs; and whereas, the present speculative price is the result of a bear raid on the market which has depressed the price far below the cost of production and a fair profit to the producers; and whereas, the prices of cotton goods are out of all proportions to the price of raw cotton,

Be it resolved, by the House of Representatives of Alabama, the Senate concurring, That we urge upon the farmers and holders of spot cotton in the South to hold tenaciously to their cotton until the present bear movement is broken and a fair price for cotton can be obtained. The South has the world's visible supply

of cotton in her own hands and is able to hold it longer than the world can wait for its supply. A satisfactory price will ultimately be obtained if the South will hold its cotton with a determination to win.

Be it further resolved, That we urge the bankers and merchants to lend money or make advances on cotton as collateral until the embargo on cotton is removed and a fair price is obtained. We also urge that the Legislatures of other cotton growing states take similar action.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House joint resolutions set out in the foregoing message from the House were severally read once and referred to appropriate standing committees as follows:

H. J. R. 17. To the Standing Committee on Rules.

H. J. R. 18. To the Standing Committee on Rules.

#### REPORT FROM COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Griffith, chairman of the Standing Committee on Revision of the Journal, begs leave to report that said committee, in session, has examined the Journal of the Senate for the third and fourth legislative days and finds same contains the proper entries in reference to each bill and resolution contained therein, as required by the Constitution.

A. A. Griffith,  
Chairman.

#### COMMITTEE REPORT.

On motion of Mr. Griffith, the foregoing report from the Committee on Revision of the Journal was adopted and the Journals of the third and fourth legislative days of the session, were approved by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in:

S. J. R. 27. Relative to adjournment until 2 o'clock Tuesday, 28th.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## REPORT OF COMMITTEE.

Mr. Kelly, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following Senate joint resolution and ordered the same returned to the Senate with a favorable report, and on motion of Mr. Kelly, said resolution was, under a suspension of the rules, adopted by the Senate:

RESOLUTION FOR THE ESTABLISHMENT OF THE BANKHEAD  
NATIONAL HIGHWAY.

S. J. R. 13. Be it resolved by the Senate, the House concurring, that:

Whereas, The Bankhead national highway association has mapped a continuous highway from Washington to Los Angeles, through Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona and California, which they have designated as the Bankhead national highway in recognition of the thirty-two years of service in the Congress of the United States of the senior senator from Alabama and of his distinguished advocacy of the Federal improvement of the highways; and,

Whereas, the route has been located after inspection and approval by a representative of the United States bureau of public roads and an impartial pathfinding committee and has the approval of the highway commission of this State; and,

Whereas, the Bankhead national highway association has requested that said road be made an inter-state highway, and that the several states join in memorializing the Federal government to designate said road as a national highway and to co-operate with the states in its construction and maintenance.

Therefore, be it resolved: (1) That the State of Alabama hereby join the other states in the establishment of this road as an inter-state highway, the route across Alabama being route Nos. 2 and 9, as shown on the State highway map and traversing the cities of Heflin, Anniston, Talladega, Pell City, Birmingham, Jasper, Hamilton, Guin and Sulligent. (2) That the Congress of the United States be and hereby is memorialized to designate the said road as the Bankhead national highway, and to aid the states in its construction and maintenance as a national highway. (3) That this section be transmitted to the governors of the several states and to the several secretaries of state for their consideration and to the president of the United States for Federal action.



## BILLS ON THIRD READING.

The bill:

S. 63. To amend section 6899, chapter 219 of the Code of Alabama. (Relates to poisoning streams or using explosive substances to catch fish.)

Was taken up.

The following amendment offered by the Standing Committee on Revision of Laws, to-wit:

Amend the bill by striking therefrom the figures "100.00" where they appear in the bill and inserting in lieu thereof the figures "\$10.00."

Was adopted.

Yeas, 25; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Leith	Rogers (Lauderdale)
Beale	Ellis	McDowell	Sims
Briscoe	Evins	Nance	Smith (Coosa)
Brown	Griffith	Morris	Smith (Lawrence)
Butler	Harper	Norwood	Tally
Carlton	Kelly	Phillips	West
Carmichael			

—25

*Nays:*—None.

The Standing Committee on Revision of Laws also offered the following amendment to said bill. to-wit:

Amend the bill by striking out the following words: "to be paid into the State treasury to the credit of the game and fish protection fund" where they appear immediately after the figures "\$500.00."

Which was adopted.

Yeas, 20; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Leith	Rogers (Lauderdale)
Beale	Ellis	Morris	Sims
Briscoe	Evins	McDowell	Smith (Coosa)
Brown	Griffith	Nance	Smith (Lawrence)
Butler	Harper	Norwood	Tally
Carlton	Kelly	Phillips	West
Carmichael			

—25

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; nays, 0.

*Yeas:**Messrs:*

Acker	Carmichael	Leith	Rogers (Lauderdale)
Beale	Craft	Morris	Sims
Briscoe	Evins	McDowell	Smith (Coosa)
Brown	Griffith	Nance	Smith (Lawrence)
Butler	Harper	Norwood	Tally
Carlton	Kelly	Phillips	West

—24

*Nays:*—None.**The bill:**

**S. 68.** Relating to dependent, neglected, or delinquent children in all counties of Alabama which have a population of as many as one hundred and fifty thousand people according to the last Federal census, or which shall have such population according to any such census that may be taken hereafter; to define who are dependent, neglected or delinquent children; to declare that such children shall be wards of the State; to provide for their custody, discipline, supervision, care, protection, guardianship and welfare; to create and establish in such counties juvenile courts, and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction, under the terms of this act, to try and determine the question of the dependency, neglect or delinquency of children in such counties, and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training; and generally to confer upon such courts jurisdiction and power to try and determine all questions arising under the terms of this act, or which may be otherwise referred to them by law, for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this act; to provide for the trial and punishment of those who aid, abet, cause, connive at, or contribute to the dependency, neglect, or delinquency of such children; to provide and regulate the procedure in such cases, and to confer power upon such courts to make such rules and regulations and to devise such forms, where not otherwise provided for under the terms of this act, as shall be found necessary or convenient to the exercise of its jurisdiction, or which shall be necessary or convenient for the conduct of the county shelter, or parental school, or for the conduct of probation officers, or their work as provided for in this act; to provide for the taking and enforcement of recognizances and bonds, and for the taking of appeals from the decisions of such courts; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline pro-

vided for such delinquent under the terms of this act; to provide for the establishment and maintenance of a detention home, or parental school, and for the appointment and compensation of probation officers; to provide for the appointment of a referee or referees and to define their power and duties; to provide for the appointment of an advisory board to such courts, and to define the duties and powers of such boards to provide for the appointment of the judge and other officers of such courts and to define their powers and duties and provide for their compensation; to declare that should any part of this act be found to be unconstitutional that it shall not affect the remainder thereof, and to provide for the repeal of all laws in conflict with this act.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

*Yeas:*

Messrs:

Acker	Ellis	Leith	Rogers (Lauderdale)
Beale	Evins	Morris	Sims
Brown	Griffith	McDowell	Smith (Coosa)
Butler	Harper	Nance	Tally
Carlton	Kelly	Norwood	West
Craft			

—21

*Nays:*—None.

The bill:

S. 89. To provide for the appointment of a commission to make a study of the public school system of Alabama and to make an appropriation therefor.

Was taken up.

Mr. McDowell offered the following amendment to said bill:

Amend Senate bill 89:

In section one strike out the words: "A commission of 5 persons" and insert the following words in lieu thereof: "A recess committee of 5, consisting of two members of the Senate and 3 members of the House."

Mr. Carmichael moved to lay the amendment offered by Mr. McDowell on the table, which motion prevailed, and said amendment was laid on the table.

Mr. McDowell also offered the following amendments to said bill, to-wit:

2. To strike out the words: "Commission" wherever they appear in the bill and insert the words "recess committee" in lieu thereof wherever the word commission is stricken out.

3. That section 5 be stricken out as it now reads, and in lieu thereof the following words be inserted:

"The expenses of the said recess committee shall be paid out of money in the treasury not otherwise appropriated, upon warrants of the auditor, issued upon requisition of the chairman of the said recess committee."

Mr. Carmichael moved that the amendments 2 and 3 offered by Mr. McDowell be laid on the table jointly, which motion prevailed, and said amendments 2 and 3 by Mr. McDowell were laid on the table.

And said bill was then read a third time at length and passed.  
Yeas, 22; nays, 2.

*Yeas:*

Messrs:

Acker	Craft	Morris	Rogers (Sumter)
Beale	Evins	McDowell	Sims
Briscoe	Griffith	Norwood	Smith (Lawrence)
Brown	Harper	Phillips	Tally
Butler	Kelly	Rogers (Lauderdale)	West
Carmichael	Leith		

—22

*Nays:*

Messrs:

Carmichael	Ellis	
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—2

The bill:

S. 70. To provide a better system of public roads for the county of Cullman, State of Alabama.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Leith	Rogers (Sumter)
Beale	Ellis	Morris	Sims
Brown	Evins	Norwood	Smith (Lawrence)
Butler	Griffith	Phillips	Tally
Carlton	Harper	Rogers (Lauderdale)	West
Carmichael	Kelly		

—22

*Nays:*—None.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Waddell:

H. J. R. 22. Memorializing Congress to retain the school of training in the use of small arms and tanks at Fort Benning, in the State of Georgia.

Resolved, by the House of Representatives of the Legislature of Alabama, the Senate concurring, That the Congress of

the United States of America is hereby respectfully petitioned and memorialized to retain the established school of training in the use of small arms and tanks at Fort Benning in the State of Georgia; and that a copy of this joint resolution be forwarded to each the vice-president of the United States, the president of the Senate, the speaker of the House of Representatives, to each senator from the State of Alabama, to each senator from the State of Georgia, and to each representative in Congress from the State of Alabama and from the state of Georgia.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House joint resolution set out in the foregoing message from the House, was read once and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker having signed the following House bill, your signature thereto is requested:

H. 7. To further suppress the evils of intemperance; to restrict the receipt, possession and delivery of spirituous, vinous, malted, fermented or other intoxicating or prohibited liquors and beverages and fixing punishment and penalties.

Fred H. Gormley,  
Clerk.

#### SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following bill:

H. 7. To further suppress the evils of intemperance; to restrict the receipt, possession and delivery of spirituous, vinous, malted, fermented or other intoxicating or prohibited liquors and beverages and fixing punishment and penalties.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

H. 114. To repeal an act entitled "An act to regulate the charging of fees and furnishing of information within the sev-

eral departments of the State and to provide for the covering into the State treasury of such fees," approved September 29, 1915.

And sends same herewith to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee, as follows:

**H. 114. To the Committee on Finance and Taxation.**

#### INTRODUCTION OF BILLS.

Upon a call of districts a bill was introduced, read once and referred to appropriate standing committee, as follows:

By Mr. Carmichael:

S. 109. To provide for the acceptance of the benefits of an act passed by the Senate and House of Representatives of the United States of America, in Congress assembled, to provide for the promotion of vocational education, to provide for the appointment of a State board for vocational education, and to provide for the duties thereof; and to make appropriations for vocational education.

Education.

#### RESOLUTION.

Mr. Rogers of Sumter, offered the following Senate joint resolution:

S. J. R. 29. Whereas, the Hon. Borden Burr, of Birmingham, Alabama, in the service of the Y. M. C. A., spent some time in the "fighting zone" when in France and there saw much of the world's greatest conflict; therefore,

Be it resolved by the Senate, the House concurring, That Mr. Burr be invited to address a joint meeting of the House and Senate on a day and at an hour in the near future to be named by him, on what he saw and experienced while over the seas.

Resolved, second, That a copy of this resolution be sent Mr. Burr by the Secretary of the Senate.

Which was read and referred to the Standing Committee on Rules.

#### ADJOURNMENT.

On motion of Mr. Acker and pursuant to S. J. R. 28 heretofore adopted, the Senate at 1:10 P. M., adjourned until 2 o'clock P. M., Tuesday, January 28th, 1919.

## NINTH DAY.

Tuesday, January 28th, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

## PRAYER.

By Rev. Dr. Beale, of the Senate.

## ROLL CALL.

Mr. President and

Messrs:

Acker	Carmichael	Leith	Rogers (Lauderdale)
Baker	Craft	Morris	Rogers (Sumter)
Beale	Ellis	McDowell	Sims
Bedsole	Espy	Nance	Smith (Coosa)
Briscoe	Evins	Norwood	Smith (Lawrence)
Brown	Griffith	Phillips	Tally
Butler	Harper		

—26

## JOURNAL.

On motion of Mr. Bedsole, the reading of the Journal of yesterday was dispensed with and same was approved by the Senate.

## LEAVE OF ABSENCE.

On motion of Mr. Craft, leave of absence was granted Mr. West.

## ADOPTION OF RESOLUTION.

Mr. Phillips moved that unanimous consent be granted to take up House joint resolution No. 22, now in the Rules Committee, which motion prevailed, and said resolution:

By Mr. Waddell:

H. J. R. 22. Memorializing Congress to retain the school of training in the use of small arms and tanks at Fort Benning in the State of Georgia.

Resolved by the House of Representatives of the Legislature of Alabama, the Senate concurring, That the Congress of the United States of America is hereby respectfully petitioned and memorialized to retain the established school of training in the use of small arms and tanks at Fort Benning in the State of Georgia; and that a copy of this joint resolution be forwarded to each the vice-president of the United States, the president of

the Senate, the speaker of the House of Representatives, to each senator from the State of Alabama, to each senator from the State of Georgia, and to each representatives in the Congress from the State of Alabama and from the State of Georgia.

Was, under a suspension of the rules, unanimously adopted.

#### INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Griffith:

S. 110. To amend section 10 of the act entitled "An act to establish the Court of Appeals for the State of Alabama, and to provide for the transfer of certain cases now pending in the Supreme Court to said Court of Appeals," approved March 9, 1911.

Judiciary.

By Mr. Sims:

S. 111. To amend section 1942 of the Code of Alabama.

Finance and Taxation.

By Mr. Sims:

S. 112. To amend section 1941 of the Code of Alabama.

Finance and Taxation.

By Mr. Sims:

S. 113. To fix the salaries of judges of the county courts in counties having a population of less than 50,000, according to the last preceding Federal census, and to make the clerks of the circuit court ex-officio clerks of the county court and provide for the payment of their services.

Judiciary.

By Mr. Briscoe:

S. 114. To prohibit the operation of pool tables, billiard tables, tenpin alleys, or other device of like nature except in incorporated towns or cities.

Temperance.

By Mr. Briscoe:

S. 115. To provide that the tax collectors of the several counties of Alabama be paid a salary; to empower the commissioners court or county board of revenue of the several counties to fix the amount of salary to be paid the tax collectors of their respective county; to empower the commissioners court or county board of revenue to determine the amount of clerical assistance to be allowed the tax collector and to fix the compensation of such assistance.

Finance and Taxation.



By Mr. Briscoe:

S. 116. To repeal an act approved September 18, 1915, entitled "An act to impose a license or privilege tax of one dollar a year on each dog in the State of Alabama over four months of age, and to provide for the collection of such tax and to provide that all livestock killed by any dog and all damages done thereto shall be paid for out of the dog tax fund, and to provide for the distribution of the surplus left in the dog tax fund on the first day of March of each year.

Finance and Taxation.

By Mr. Briscoe:

S. 117. To prohibit justices of the peace and notaries public exercising the powers of justices of peace from having or exercising jurisdiction in criminal cases: to repeal article 4 of the Criminal Code of Alabama (embracing sections 6733 to 6745 inclusive); to provide for the disposition of criminal cases now pending in justice courts and to authorize justices of peace and notaries public exercising the powers of justices of peace to issue warrants of arrest returnable before courts of competent jurisdiction.

Revision of Laws.

By Mr. Briscoe:

S. 118. To prohibit sheriffs, deputy sheriffs, constables, town marshals and city policemen from accepting money or other things of value in settlement of criminal cases; to prohibit them from settling or compromising criminal cases out of court; to prohibit them from acting as agent or attorney in the collection of claims and to provide suitable penalties for violations of this act.

Revision of Laws.

By Mr. Briscoe:

S. 119. To protect the sheep-growing industry of Alabama; to protect the public against the spread of rabies by requiring the registration of all dogs; to provide for such registration by the probate judges; to provide for necessary supplies to carry out this act; to provide for compensating the judge of probate for his services in carrying out the provisions of this act; to make registered dogs property; and to provide for killing dogs not registered and tagged.

Agriculture.

By Mr. Baker:

S. 120. To provide that fraternal insurance contracts shall not be contested after it has been in force for two years for fraud or irregularities in the application, and that no misrepresentation or warranty in the negotiation of a contract of such

insurance or in such contract of insurance, or application therefor, or proof of loss thereunder, shall defeat or avoid the policy, or prevent its attaching, unless made with actual intent to defraud or unless the matter misrepresented increase the risk of loss.

Banking and Insurance.

By Mr. Phillips:

S. 121. To authorize the payment of interest on the amounts of the bills of the sheriffs of Alabama, for the feeding of prisoners during the months of June, July, August and September of the year 1916, and during the month of September of the year 1917, and to appropriate funds therefor.

Finance and Taxation.

By Mr. Evins:

S. 122. To provide that municipal corporations shall have a lien on the property used in any exhibition, trade, business vocation, occupation or profession, for which a license is required, and to provide for the enforcement of such lien.

Municipalities and Municipal Organizations.

By Mr. Leith:

S. 123. To create a county highway commission for Walker county, Alabama, and to define the powers and duties thereof.

Local Legislation.

With notice and proof attached and herewith exhibited as follows:

NOTICE.

A LOCAL BILL.

Notice is hereby given that application will be made at the present session of the Legislature of Alabama to pass a bill substantially as follows: 'A bill to be entitled an act to create a county highway commission for Walker county, Alabama, and to define the powers and duties thereof.'

Be it enacted by the Legislature of Alabama as follows:

Section 1. That a county highway commission for Walker county to consist of the probate judge and two other members, who shall be freeholders and residents in said county, is hereby created and established. The probate judge shall be ex-officio chairman of the commission. One member of the commission shall hold office for two years and until his successor is appointed and qualified; one member shall hold office for four years and until his successor is appointed and qualified, and after the first appointments, the regular term shall be four years. In making the first appointments, the governor shall designate the one who is to hold office for two years, and the one who is to hold office for four years. Each member of the commission shall hold office until his successor shall be appointed and qualified. All vacancies occurring in said commission shall be filled by appointment by the governor.

Section 2. The members of the highway commission shall receive no compensation for their services, but shall be paid all their actual expenses necessarily incurred in the prosecution of their duties. They shall be paid

by the county treasurer out of the road and bridge fund of the county upon warrants issued by the chairman of the county highway commission.

Section 3. The county highway commission is vested with the general superintendence of the public roads within Walker county, and may establish new and change and discontinue old roads, and shall improve and maintain the public roads, bridges and ferries of said county so as to render travel over same as safe and convenient as practicable. To this end they are given legislative, judicial and executive power. They may establish, promulgate and enforce new rules, regulations and laws, not inconsistent with this act, which are necessary to make, improve and maintain a good system of public roads, bridges and ferries in said county and regulate the use thereof.

Section 4. The said county highway commission is hereby given all the authority and power given to courts of county commissioners with reference to public roads, bridges and ferries by chapter 135 of the Code of Alabama of 1907.

Section 5. With the consent of the court of county commissioners the county highway commission may hire out to contractors for work on the public roads all county convicts. Nothing here contained shall be construed as depriving the court of commissioners of supervision of the convicts hired on the public roads, but such court shall have and exercise such supervision and shall be charged with the same duties as to such convicts as now provided by law, and shall prescribe the forms of contracts and bonds to be made and given for the hire of convicts on said roads.

Section 6. The chairman of the commission shall keep or cause to be kept, full and accurate minutes of the meetings, and of all things done at such meetings of the county highway commission, in a well bound record book, to be paid for out of the road and bridge fund, which shall be one of the public records of the county and be kept in the office of the probate judge of said county. The county highway commission shall also have prepared at the expense of the road and bridge fund a book of warrants, which warrants shall have stubs to be left in the warrant book. For all expenditures on account of the road and bridge fund, the chairman of the commission shall draw warrants, which shall state the name of the person in whose favor the warrant is drawn, and the amount thereof, and the account for which it is drawn, and the stub shall contain a like statement. When presented to the county treasurer such warrants shall be paid by him out of the road and bridge fund. When not being actually used by the commission such book of warrants shall be in the custody of the probate judge. The commission shall make a sworn detailed statement, at least once every six months of all warrants drawn on the road and bridge fund, to whom and for what account paid, which statement shall be filed in the office of the probate judge and be open to public inspection.

Section 7. If an appeal is taken under section 5776 of the Code, then the county highway commission, upon the deposit into court for the party whose land is sought to be condemned, of the amount of the damages and compensation so assessed, together with the cost if the proceeding, shall be entitled to enter upon the land so condemned, and survey and use the same provided, however, that the easement shall not vest absolutely until the final determination of the cause, and the payment or deposit into court of such damages and compensation as shall then be adjudged.

Section 8. The members of the commission shall, before entering upon the duties of the office, take an oath to be administered by the probate judge, to faithfully perform the duties of their office.

Section 9. The said county highway commission shall be vested with all the power, authority and duties now conferred by law upon the court

of county commissioners with reference to every matter relating in any way to the construction, maintenance, improvement and repair of roads, bridges and ferries, including the right to order elections for the issuance of bonds, and the power and right to sell and issue any bonds that have heretofore been authorized, as required by law, but which have not been sold and issued.

Section 10. That an act entitled "An act to better provide for establishing, working and maintaining the public roads and bridges of Walker county, Alabama," approved March 1, 1901, and also an act entitled "An act to amend an act entitled "An act to better provide for establishing, working and maintaining the public roads of Walker county, Alabama," approved March 1, 1901, and approved March 6, 1903, shall be and are hereby repealed.

Section 11. That all laws in conflict with this act, local, general and special, in so far as they pertain to Walker county, Alabama, be, and the same are hereby repealed.

M. L. Leith.

State of Alabama, }  
Walker County. }

Before me, Arthur Sartain, a notary public in and for said State and county, personally appeared L. E. Richardson, who being duly sworn says on oath that he is the publisher of the Mountain Eagle, a weekly newspaper published in Jasper, Walker county, Alabama, and that the attached notice of the intention to apply to the present session of the Legislature of Alabama to pass a bill to create a county highway commission for Walker county, Alabama, and to define the powers and duties thereof, has been published in the Mountain Eagle once a week for four consecutive weeks; the last publication appearing on January 22nd, 1919.

L. S. Richardson.

Sworn to and subscribed before me this the 27th day of January, 1919.

Arthur Sartain,  
Notary Public.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

H. 39. To establish and provide for State-wide eradication of the cattle fever tick (*margaropus annulatus*) and any other tick that shall be found to carry a disease-producing infection to cattle or any other domestic animals.

Also:

H. 28. To require the board of revenue of all counties of 82,000 population, and not more than 100,000 population, according to the last Federal census, to pay out of the general fund of such counties to the sheriffs of such counties, a salary of \$4,000.00 per annum net, to allow and pay out of the general fund of such counties, the sum of \$1,500.00 per annum for the chief clerk in the office of the sheriffs of such counties, \$1,800.00 per annum for the chief deputy in the office of such sheriffs, \$2,400.00 per annum for two deputies in the office of such sheriffs and \$1,000.00 to the sheriffs of such counties for extra assistance in their said offices.

Also:

H. 38. To amend section two of an act entitled "An act to create a lien in favor of any laborer or employee of any person, firm or corporation engaged in getting, cutting, rafting, shipping, hauling or manufacturing of timber, lumber or cross-ties, and to provide for its enforcement, approved Sept. 10, 1915.

Also:

H. 151. To provide for the appointment of a commission to make a study of the public school system of Alabama and to make an appropriation therefor.

Also:

H. 65. To amend section 2047 of the Code of Alabama, 1907.

Also:

H. 42. To amend an act approved September 15th, 1915, entitled "An act to require all county solicitors, all circuit solicitors, any solicitors of any court of record to give opinions to all county officials in all matters connected with their offices except in suits against official bonds."

Also:

H. 115. To amend an act approved August 18th, 1909, providing for the holding of two terms each year of the circuit court of Marshall county at Albertville, and to make certain and more definitely define the jurisdiction of said court, and to provide for the method of procuring juries for said court.

With notice and proof herewith attached and exhibited as follows:

#### NOTICE.

Notice is hereby given that I will introduce in the next Legislature of Alabama the following bill:

A bill to be entitled an act to amend an act approved August the 18th, 1909, providing for the holding of two terms each year of the circuit court of Marshall county, at Albertville, and to make certain and more definitely define the jurisdiction of said court, and to provide a method of procuring juries for said court.

State of Alabama, }  
Marshall County. }

Before me, W. P. Goodwin, notary public in and for said county and State, personally appeared Luther Fowler, publisher of the Albertville Banner, a newspaper published in said Marshall county, at Albertville, who by me being first duly sworn deposes and says that the following notice, to-wit: "Notice. A bill to be entitled an act to amend an act approved August the 18th, 1909, providing for the holding of two terms each year of the circuit court of Marshall county, at Albertville, and to make and more definitely define the jurisdiction of said court, and to provide for the procuring of juries for said court, will be introduced in the next Legislature of Alabama." A copy of said notice is hereunto attached and made a part of this affidavit, was published for four successive weeks in said newspaper,

beginning on the 12th day of December, 1918, and ending on the 2nd day of January, 1919.

Luther Fowler,  
Publisher.

Sworn to and subscribed before me this 9th day of January, 1919.

W. P. Goodwin,  
Notary Public.

Also:

H. 60. To prohibit the court of county commissioners of Geneva, Alabama, from making any payment or donation to any farm demonstrator or person performing the duties of farm demonstrator in Geneva county, Alabama.

With notice and proof herewith attached and exhibited as follows:

#### NOTICE OF PROPOSED BILL.

Notice is hereby given that I will introduce in the next General Assembly of Alabama a bill to prohibit the court of county commissioners of Geneva county, Alabama, making any payment or donation to any farm demonstrator or person performing the duties of farm demonstrator in Geneva county, Alabama.

Dated this December 10th, 1918.

T. S. Faulk.

State of Alabama, }  
Geneva County. }

I, Wm. L. Wilkinson, editor and proprietor of The Geneva County Reaper, a weekly newspaper published in Geneva, Geneva county, Alabama, do hereby certify that the advertisement attached hereto has been published in said newspaper for a period of 4 consecutive weeks, commencing December 13, 1918, and ending January 3, 1919.

Witness my hand this 11th day of January, 1919.

Wm. L. Wilkinson.

Sworn to and subscribed before me this 11th day of January, 1919.

J. W. Draughon,  
Clerk of Circuit Court.

(Seal.)

Printer's fees, \$-----

Also:

H. 130. To make the clerk of the circuit court of Crenshaw county ex officio clerk of the county court.

With notice and proof herewith attached and exhibited as follows:

#### NOTICE.

Notice is hereby given that at the coming session of the Legislature, the following bill will be introduced for passage and enactment into law:

#### AN ACT

To make the clerk of the circuit court of Crenshaw county ex officio clerk of the county court.

Be it enacted by the Legislature of Alabama:

Section 1. That from and after the passage of this act, the clerk of the circuit court of Crenshaw county, Alabama, be and he is hereby made

ex officio clerk of the county court of said county, and shall receive the same fees in all cases while acting as such clerk of the county court, as are received by the clerks of the circuit courts of this State.

Section 2. That all laws and parts of laws, local, general and special, in conflict with this act be and the same are hereby repealed.

Section 3. That this act shall go into effect immediately upon its approval by the governor.

W. H. Stoddard,  
Representative for Crenshaw County.

#### AFFIDAVIT OF PUBLICATION.

I, C. L. Kettler, publisher of the Crenshaw County News, a newspaper published weekly at Luverne, Crenshaw county, Alabama, do solemnly swear that a copy of the above notice, as per clipping attached, was published once a week in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated December 19th, 1918, and ending with the issue dated January 9th, 1919.

C. F. Kettler.  
Subscribed and sworn to before me this 11th day of January, 1919.  
John F. Walker,  
Judge of Probate.

Also:

H. 135. To confer additional duties and powers upon the court of county commissioners of Escambia county to enable said court to better provide for the maintenance and construction of the public roads and bridges in said county.

With notice and proof herewith attached and exhibited as follows:

#### LEGAL NOTICE.

Notice is hereby given by publishing the words and figures of a proposed law hereto annexed once per week for four (4) consecutive weeks in the newspapers published in said Escambia county, Alabama, in the months of November and December, 1918, as required by the Constitution, of the intention of the undersigned to apply for the enactment of the following local law for Escambia county by the next Legislature of Alabama sitting at Montgomery.

The proposed law annexed is the result of experience and has been carefully considered. There is no objection to the law by the court of county commissioners or the county board of education, who have stated their position in reference to it in separate letters hereto annexed.

Witness my hand at Atmore on this the 7th day of November, 1918.

Sidney M. Jones,  
County Representative.

#### A BILL

Entitled "An act" to confer additional duties and powers upon the court of county commissioners of Escambia county to enable said court to better provide for the maintenance and construction of the public roads and bridges in said county.

Be it enacted by the Legislature of Alabama:

Section 1. That on and after the approval of this act the court of county commissioners of Escambia county shall annually levy and collect a special county road and bridge tax of two (2) mills on the dollar out of the five (5) mill general tax which is now levied and collected in said county for the public schools (under the acts of 1896-7 at page 197) for the maintenance and upkeep of the highways, roads and bridges in said county; provided, however, that said special tax shall not be levied and collected for road purposes in said county until the people of said county shall first vote (under the acts of 1915, pages 109 and 360) for and authorize said court to levy and collect in said county a special county school tax of not less than two (2) mills on the dollar as authorized by section XIX of the Constitution and the Acts of 1915 at pages 109 and 360; that it shall be unlawful for said court to levy said special two mill tax above referred to for roads or road maintenance until said two mill tax above school tax or more shall have been first duly voted for and lawfully levied in said county by said court for public schools.

Section 2. That it shall be the further duty of said court to call said election in said county for voting said school tax at any time but in the event said school tax should be voted down and authority to levy it refused by the qualified electors of said county then, in that event, said court shall have no right to further order said election to be held in said county more than once per annum thereafter; that it shall not be necessary that any request be made or that any petition be filed with said court to enable it to order any of said elections to be held, but that said elections may be held in said county not exceeding one time during any one year until the levy of said school tax is authorized according to law as herein provided.

Section 3. That the proceeds of said two mill road tax when levied and collected for road purposes shall be exclusively used for the maintenance and upkeep of the county roads and bridges in said county and for no other purpose; that said court is authorized and it shall be their duty to make all such necessary orders and contract and do such necessary acts and things and pass and enact such necessary rules and regulations under the Constitution as may be necessary or deemed necessary by the court to provide or aid in providing modern and satisfactory public highways and to place all roads heretofore constructed in first-class condition and maintain them so continuously hereafter; it shall be the duty of the court to put all of the county roads in good condition at the same time, or as near thereto as possible, and one road shall not be improved and worked at the expense of other roads. That said court shall create different county funds for the maintenance and construction of good public highways; that when the present public roads and bridges are put in good first-class condition the court may, when practicable, construct other roads including standard highways leading to and from the centers of trade and travel and shall require the probate judge upon the passage of this act to provide suitable, well-bound, special county road books for recording and keeping the record of all deeds showing the county's legal title to all rights of way, etc., at the county's expense; also the county road surveys of all the public roads in said county; also said court may survey, classify, divide, number, name and grade each public road in the county, perfect the county's title to the same and have prepared a good official public road survey and highway map of the county showing the true location of all public roads, the boundary of the county and all other matters thereon as the court may order made and said map may be lithographed and printed at the county's expense and copies sold to reimburse the cost of the same; that said road books, map and survey shall be legal evidence in all of the courts; that all recorded minutes and proceedings of said commissioners court made during the years



1916, 1917 and 1918, are hereby ratified; they being passed by the examiner of public accounts, especially those contracts and loans deemed necessary by the court to aid it during said years to provide, construct and repair the public roads and bridges in said county with or without the aid of the State or of the United States.

Section 4. That said court shall have the power to define or specify those who shall be subject to road duty in said county of the ages of twenty-one (21) to fifty (50) years of age inclusive and authorized to require each of such persons so subject to road duty or work said public roads for a number of days to be determined by the court, not more than twenty days in any one year and in default thereof to require each person so defaulting to pay to the county a sum not exceeding ten (\$10.00) dollars per annum at the time and in the manner now provided by law or as may be ordered by the court and said amount shall be determined by an order of the court in each year duly made and published; provided that all such sums so paid shall be used for the maintenance and repair of the public roads located in the county election precinct from whose inhabitants the money was collected; that said court shall employ and have the appointment, supervision, direction, control and discharge of all road apportioners, road overseers and road hands, road laborers, supervisors, and superintendents and road machinery and county convicts suitable for road work and shall prescribe their duties and have the authority to require the performance of the same with or without surety bonds and to prescribe the punishment and penalties for failure to work the roads not exceeding those now provided by law for those found in default; that all road defaulters or other persons violating the road laws, rules and regulations which are lawfully made by said court and duly published for thirty (30) days in all of the county newspapers in said county shall be guilty of a misdemeanor and all violations thereof shall be punished by a fine not exceeding one hundred dollars (\$100.00) and by imprisonment in the county jail for not exceeding thirty (30) days, one or both, as now provided by law.

Section 5. That each member of the commissioners court, except the judge of probate, shall be responsible to the court of county commissioners for the condition, upkeep and maintenance of the county roads in the district he represents, and such power and authority and duties shall be conferred by the court upon each commissioner, and such appropriations shall be made by the court, as will enable him to supervise and secure a proper maintenance, to a required standard, of all the public roads in his district, and upon his failure to perform said duties in any respect, the court may appoint a suitable road supervisor for the court in his district for that purpose and said court may also appoint a road superintendent or supervisor for the construction or maintenance of the county roads in any commissioner's district or for the whole county; that after said roads are placed in good condition and before any general ultimate plan for road maintenance of the county highways shall be finally adopted said court shall have brought before them in consultation experts from the road departments of the State and of the United States and shall make experiments to enable said Court to adopt the best, most satisfactory and inexpensive permanent system of road maintenance and construction and the court may employ surveyors, engineers and all other persons they deem necessary to aid the court in the proper maintenance and construction of the county public highways; that the powers and duties herein conferred are in addition to those heretofore or hereafter authorized by law and in the event any of the provisions herein should be declared invalid or contrary to the Constitution by the courts, then, in that event, the invalid portions hereof shall not affect the valid or constitutional portions of this

act. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

#### PROOF OF PUBLICATION.

I, W. F. Higdon, the publisher of a weekly newspaper in Escambia county, Alabama, namely, The Atmore Record, do hereby state under oath that the annexed printed words and figures is a true copy of the publication in said newspaper and is clipped from one of the original issues of said newspaper and that said words and figures appeared in said newspaper for 4 consecutive weeks, on the following date, to-wit: November 14, 1918; November 21, 1918; November 28, 1918; December 5, 1918.

I have personal knowledge of the foregoing facts and make this statement under oath, and that my cost bill of the same is 75 64/100 dollars.

W. F. Higdon,

Publisher of said newspaper.

Sworn to and subscribed before me on this the 2nd day of January, 1919.

J. M. Northrop,  
Notary Public.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees, as follows:

- H. 39. To the Committee on Agriculture.
- H. 28. To the Committee on Local Legislation.
- H. 37. To the Committee on Revision of Laws.
- H. 151. To the Committee on Education.
- H. 65. To the Committee on Public Buildings and Grounds.
- H. 42. To the Committee on Judiciary.
- H. 115. To the Committee on Revision of Laws.
- H. 60, 130, 135. To the Committee on Local Legislation.

#### BILL TAKEN FROM CALENDAR AND RECOMMITTED.

On motion of Mr. Leith, the bill:

S. 53. Prescribing the liability of an employer to make compensation by way of damages for injuries due to accident received by an employee arising out of and in the course of employment and providing for the enforcement of same, modifying common law and statutory remedies, in such cases; establishing an alternative elective schedule of compensation, regulating procedure for the determination of liability and compensation thereunder in certain cases, and prescribing penalties for the violation thereof; and providing a lien for attorney's fees and for medical and surgical services.

Was taken from today's calendar and re-referred by the President of the Senate to the Standing Committee on Mining and Manufacturing.

REPORT FROM COMMITTEE OF ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills, beg leave to report that said committee, in session, have examined and compared the following engrossed bills with the originals and find same correctly engrossed, to-wit:

S. 63. To amend section 6899, chapter 219 of the Code of Alabama. (Relates to poisoning streams or using explosive substances to catch fish.)

S. 68. Relating to dependent, neglected, or delinquent children in all counties of Alabama which have a population of as many as one hundred and fifty thousand people according to the last Federal census, or which shall have such population according to any such census that may be taken hereafter; to define who are dependent, neglected or delinquent children; to declare that such children shall be wards of the State; to provide for their custody, discipline, supervision, care, protection, guardianship and welfare; to create and establish in such counties juvenile courts, and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction, under the terms of this act, to try and determine the question of the dependency, neglect or delinquency of children in such counties, and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training; and generally to confer upon such courts jurisdiction and power to try and determine all questions arising under the terms of this act, or which may be otherwise referred to them by law, for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this act; to provide for the trial and punishment of those who aid, abet, cause, connive at, or contribute to the dependency, neglect, or delinquency of such children; to provide and regulate the procedure in such cases, and to confer power upon such courts to make such rules and regulations and to devise such forms, where not otherwise provided for under the terms of this act, as shall be found necessary or convenient to the exercise of its jurisdiction, or which shall be necessary or convenient for the conduct of the county shelter, or parental school, or for the conduct of probation officers, or their work as provided for in this act; to provide for the tak-

ing and enforcement of recognizances and bonds, and for the taking of appeals from the decisions of such courts; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent under the terms of this act; to provide for the establishment and maintenance of a detention home, or parental school, and for the appointment and compensation of probation officers; to provide for the appointment of a referee or referees and to define their power and duties; to provide for the appointment of an advisory board to such courts, and to define the duties and powers of such boards; to provide for the appointment of the judge and other officers of such courts and to define their powers and duties and provide for their compensation; to declare that should any part of this act be found to be unconstitutional that it shall not affect the remainder thereof, and to provide for the repeal of all laws in conflict with this act.

S. 70. To provide a better system of public roads for the county of Cullman, State of Alabama.

S. 89. To provide for the appointment of a commission to make a study of the public school system of Alabama and to make an appropriation therefor.

R. B. Evins,  
Chairman.

Mr. Acker, chairman of the Standing Committee on Rules, returned to the Senate:

S. J. R. 22. Resolved by the Legislature of Alabama:

1. There is hereby created a joint committee to be composed of three senators and five representatives, who are hereby authorized and required to examine and consider, during the recess of the Legislature, the compilation of all the existing statutes of Alabama, of a general nature, as compiled and submitted to this Legislature by Sam'l Will John.

2. The committee shall have authority to recommend the omission of any statute which in their judgment has become obsolete, or whereby amending another statute, it may be made to cover all the subjects contained in the statutes omitted, and if necessary may prepare and report to the Legislature, bills proposing new sections, which they may deem necessary to harmonize existing statutes.

3. The committee shall have authority to employ a skilled stenographer and typewriter who shall be paid such fair wages as the committee may be able to obtain such services for.

4. The committee shall consider any proposition of the compiler, Sam'l Will John, to publish the statutes as a Code, and may agree upon the number and arrangement of the volumes, and upon the paper, type and binding, and the price to be paid by the State upon the delivery of the required number of sets of the Code to the governor and report a bill embodying all the terms of the contract, to the Legislature for consideration.

5. The presiding officer of the Senate shall appoint the senators and the Speaker shall appoint the representatives to be members of this committee. Any vacancy occurring in the membership of this committee shall be filled by the officer who appointed the member who vacated his membership on the committee.

Without recommendation, and moved that said resolution be re-referred to the Standing Committee on Judiciary, which motion prevailed, and the President of the Senate re-referred said resolution to the Standing Committee on Judiciary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Ross:

H. J. R. 28. Be it resolved by the Legislature of Alabama, That the proper authorities of the United States of America be, and they are hereby, requested to use all available means to expedite the return of all American troops whose presence is not absolutely required over seas.

Be it further resolved, That said authorities be and they are hereby requested to hasten the demobilization of all troops now in camp in the United States, and if not incompatible with the public interests, we request the immediate discharge of all men formerly engaged in the tillage of the soil.

Be it further resolved, That a copy of these resolutions be forwarded to the Senate and House of Representatives of the United States, and to the secretary of war.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House joint resolution No. 28, set out in the foregoing message from the House, was read and referred to the Standing Committee on Military.

Mr. Baker moved that the bill:

S. 43. To amend section 4747 of the Civil Code of Alabama.

Lie over until the second legislative day from today, which motion prevailed and said bill was ordered to lie over until second legislative day from today.

#### BILLS ON THIRD READING.

The bill:

S. 28. To amend section 883 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 26: nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Harper	Phillips
Baker	Cowan	Leith	Rogers (Lauderdale)
Beale	Craft	Morris	Rogers (Sumter)
Bedsole	Ellis	McDowell	Sims
Briscoe	Espy	Nance	Smith (Coosa)
Brown	Evins	Norwood	Tally
Butler	Griffith		

—26

*Nays:*—None.

#### MESSAGE FROM THE GOVERNOR.

*Gentlemen of the Senate:*

I am directed by the governor to hand you herewith, for your consideration and confirmation, the appointment of Hartley A. Moon as adjutant general of the State.

Respectfully,

W. A. Darden,  
Secretary to the Governor.

January 28, 1919.

*Gentlemen of the Senate:*

According to the provisions of article 15, section 276, of the Constitution, should the office of adjutant general become vacant, the same shall be filled by appointment of the governor, by and with the consent of the Senate.

I therefore, report to you the appointment of Hartley A. Moon, of Birmingham, to fill the position of adjutant general.

Respectfully,

Thos. E. Kilby,  
Governor.

January 28, 1919.

#### GOVERNOR'S MESSAGE.

On motion of Mr. Rogers of Sumter, the Senate confirmed the appointment of Hartley A. Moon, of Birmingham, to the office of adjutant general of the State of Alabama.

Yeas, 27; nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Harper	Rogers (Lauderdale)
Baker	Cowan	Leith	Rogers (Sumter)
Beale	Craft	Morris	Sims
Bedsole	Ellis	McDowell	Smith (Coosa)
Briscoe	Espy	Nance	Smith (Lawrence)
Brown	Evins	Norwood	Tally
Butler	Griffith	Phillips	

—27

*Nays:*—None.

#### MESSAGE FROM THE GOVERNOR.

Gentlemen of the Senate:

I am directed by the governor to hand you herewith, for your consideration and confirmation, the names of those appointed as members of the board of trustees of the Alabama Girls Technical Institute.

Respectfully,

W. A. Darden,

Secretary to the Governor.

January 28, 1919.

*Gentlemen of the Senate:*

According to the provisions of article 25, section 1913, of the Code of 1907, vacancies occurring in the offices of the trustees of the Alabama Girls' Technical Institute, at Montevallo, shall be filled by appointment of the governor, by and with the consent of the Senate.

I, therefore, report to you the appointment of the following trustees for the Alabama Girls' Technical Institute:

1st District—J. H. Webb, Mobile.

3d District—L. M. Moseley, Union Springs.

5th District—M. A. Graham, Prattville.

9th District—M. V. Joseph, Birmingham.

7th District—Alto V. Lee, Gadsden.

8th District—Shelby S. Fletcher, Huntsville.

I submit these appointments for your consideration and confirmation.

Respectfully,

Thos. E. Kilby,

Governor.

January 27, 1919.

#### GOVERNOR'S MESSAGE.

On motion of Mr. Rogers of Sumter, the Senate confirmed the appointment of the following trustees for the Alabama Girls' Technical Institute:

1st District—J. H. Webb, Mobile.

3d District—L. M. Moseley, Union Springs.

5th District—M. A. Graham, Prattville.

9th District—M. V. Joseph, Birmingham.

7th District—Alto V. Lee, Gadsden.

8th District—Shelby S. Fletcher, Huntsville.

Yeas, 27 ; nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Harper	Rogers (Lauderdale)
Baker	Cowan	Leith	Rogers (Sumter)
Beale	Craft	Morris	Sims
Bedsole	Ellis	McDowell	Smith (Coosa)
Briscoe	Espy	Nance	Smith (Lawrence)
Brown	Evins	Norwood	Tally
Butler	Griffith	Phillips	

—27

*Nays:*—None.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 31. To amend section 7 and 23a of an act approved April 24, 1911, entitled "An act for the regulation and control of fraternal benefit societies and repealing said sections 7 and 23a" and authorizing issuance of certificates to children and a basis of valuation of assets.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

H. 163. To be entitled "An act to amend section 5 of an act to amend sections 6006, 1657, 1664 and 1669 of the Code so as to regulate the publishing of the reports of the Supreme Court, Court of Appeals, Acts, Journals, and public printing, approved September 22, 1915.

And sends same herewith to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee, as follows:

H. 163. To the Committee on Rules.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House joint resolution, your signature thereto is requested:



H. J. R. 22. Memorializing Congress to retain the school of training in the use of small arms and tanks at Fort Benning in the State of Georgia.

Fred H. Gormley,  
Clerk.

## SIGNING OF JOINT RESOLUTION.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following joint resolution:

H. J. R. 22. Memorializing Congress to retain the school of training in the use of small arms and tanks at Fort Benning in the State of Georgia.

## RESOLUTION.

Mr. Rogers of Sumter, offered the following Senate joint resolution:

S. J. R. 29. Whereas, the soldiers and sailors in the service of their country will be, when discharged, at a great disadvantage in competing for a livelihood with civilians who remained at home and were therefore enabled to profit by the war; therefore,

Be it resolved by the Senate of Alabama, the House concurring, That the Congress of the United States be memorialized to provide by legislation for paying these discharged soldiers, sailors for six months after their release from service.

Resolved further, That the discharged soldiers and sailors be allowed to keep the clothes which were issued to them by the government.

Resolved, That a copy of these resolutions be sent to the Alabama senators and representatives in the Congress of the United States.

Mr. Carmichael moved that the rules be suspended and said resolution adopted, which motion prevailed, and said resolution was, under a suspension of the rules, adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Acker	Cowan
Baker	Craft
Beale	Ellis
Bedsole	Espy
Briscoe	Evins
Butler	Griffith
Carmichael	Harper

Leith
Morris
McDowell
Nance
Norwood
Phillips

Rogers (Lauderdale)
Rogers (Sumter)
Sims
Smith (Coosa)
Smith (Lawrence)
Tally

—26

Nays:—None.

## BILLS ON THIRD READING.

The bill:

H. 5. To create the Alabama memorial commission, to prescribe its powers and duties, and to make an appropriation in aid thereof.

Was taken up.

Mr. Carmichael offered the following amendment to said bill, to-wit:

Amend section one by striking out the word "and" before the words: "The director of the department of archives and history" and adding after the last named quoted words the following words: "President Pro Tem of the Senate and Speaker of the House of Representatives."

Which was adopted.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Harper	Rogers (Lauderdale)
Baker	Cowan	Leith	Rogers (Sumter)
Beale	Craft	Morris	Sims
Bedsole	Ellis	McDowell	Smith (Coosa)
Briscoe	Espy	Nance	Smith (Lawrence)
Brown	Evins	Norwood	Tally
Butler	Griffith	Phillips	

—27

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Harper	Rogers (Lauderdale)
Baker	Cowan	Leith	Rogers (Sumter)
Beale	Craft	Morris	Sims
Bedsole	Ellis	McDowell	Smith (Coosa)
Briscoe	Espy	Nance	Smith (Lawrence)
Brown	Evins	Norwood	Tally
Butler	Griffith	Phillips	

—27

Nays:—None.

## BILL RECALLED AND RE-REFERRED.

On motion of Mr. Rogers of Sumter, the bill:

S. 26. To provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama.

Was recalled from the Standing Committee on Finance and Taxation and re-referred by the President of the Senate to the Standing Committee on Judiciary.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate amendment to:

H. 5. To create the Alabama memorial commission, to prescribe its powers and duties, and to make an appropriation in aid thereof.

Fred H. Gormley,  
Clerk.

## BILLS ON THIRD READING.

The bill:

S. 82. To provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty cents (30) on each one hundred (100) dollars worth of taxable property in such county; to authorize any school district, in any county that may be levying special county taxes for school purposes of not less than thirty (30) cents on each one hundred (100) dollars worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars worth of taxable property in such school district; and to authorize boards of education to issue interest-bearing warrants, to erect, repair and equip school buildings and to otherwise improve school facilities.

Was taken up.

Mr. Phillips moved that consideration of this bill be postponed until after the recess, which motion was lost.

And said bill was then read a third time at length and passed.

Yeas, 19; nays, 5.

## Yeas:

Messrs:

Acker	Carmichael	Harper	Sims
Bedsole	Cowan	Leith	Smith (Coosa)
Briscoe	Ellis	Norwood	Smith (Lawrence)
Brown	Espy	Rogers (Lauderdale)	Tally
Butler	Griffith	Rogers (Sumter)	

—19

## Nays:

Messrs:

Craft	McDowell	Nance	Phillips
Morris			

—5

## REPORT FROM RULES COMMITTEE.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate joint resolution and ordered the same returned to the Senate with a favorable report, to-wit:

S. J. R. 28. Relative to extending an invitation to Hon. Borden Burr, of Birmingham, to address a joint meeting of the House and Senate on what he saw and experienced while over the seas.

And on motion of Mr. Acker said report was concurred in and said resolution concurred in and adopted by the Senate.

#### COMMITTEE REPORT.

Mr. Carmichael, chairman of the Standing committee on education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, to-wit:

S. 109. To provide for the acceptance of the benefits of an act passed by the Senate and House of Representatives of the United States of America, in Congress assembled, to provide for the promotion of vocational education, to provide for the appointment of a State board for vocational education, and to provide for the duties thereof; and to make appropriations for vocational education.

Mr. Carmichael moved that said bill be placed on the calendar without being re-referred to the Standing Committee on Finance and Taxation. There being objection to the motion of Mr. Carmichael, the same was lost, and the President of the Senate thereupon re-referred said bill to the Standing Committee on Finance and Taxation.

#### ADJOURNMENT.

At 5:40 o'clock P. M., on motion of Mr. Acker, the Senate adjourned until 10 o'clock tomorrow morning.

## TENTH DAY.

Wednesday, January 29th, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

## PRAYER.

By Rev. Dr. Spiegel, of Montgomery.

## ROLL CALL.

Mr. President and

Messrs:

Acker	Cowan	Leith	Prestwood
Baker	Craft	Moore	Rogers (Lauderdale)
Beale	Ellis	Morris	Rogers (Sumter)
Bedsole	Espy	McDowell	Sims
Briscoe	Griffith	Nance	Smith (Coosa)
Brown	Harper	Norwood	Smith (Lawrence)
Butler	Kelly	Phillips	Tally
Carmichael			

—29

## JOURNAL.

On motion of Mr. Rogers of Sumter, the reading of the Journal of yesterday was dispensed with and same was approved by the Senate.

## LEAVES OF ABSENCE.

On motion of Mr. Brown, Mr. Kelly was excused for non-attendance on yesterday.

On motion of Mr. McDowell, Mr. Evins was granted leave of absence for today.

On motion of Mr. Craft, indefinite leave of absence was granted Mr. West on account of sickness in his family.

## PRIVILEGES OF THE FLOOR.

On motion of Mr. Craft, the privileges of the floor were extended Mr. J. H. Webb, of Mobile.

On motion of Mr. Rogers of Sumter, the privileges of the floor were extended to J. L. Jones and Anthony Smith, of Mobile.

On motion of Mr. Espy, the privileges of the floor were extended to J. B. Long, of Abbeville.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Griffith:

S. 124. To authorize the court of county commissioners, board of revenue, or other governing body of any county in this State which has an outstanding indebtedness of any kind to settle, adjust and refund the same, and for that purpose to issue the warrants of said county.

Judiciary.

By Mr. Kelly:

S. 125. To repeal an act entitled an act to amend section 5838 of the Code of Alabama of 1907 as amended by an act of the Legislature of Alabama, approved August 20th, 1915.

Public Roads and Highways.

By Mr. Baker:

S. 126. To prohibit the assessing or collecting of a license tax on certain vehicles.

Judiciary.

By Mr. Acker:

S. 127. To fix and limit the term of office of all officers of the State, or of any political subdivision thereof, who hold office under appointment from the governor, and to authorize the governor to remove any officer of the State or any political subdivision thereof, who holds office under appointment by the governor, except county officers.

Judiciary.

By Mr. Bedsole:

S. 128. To amend section 153 of the Code of Alabama.

Finance and Taxation.

By Mr. Rogers of Lauderdale:

S. 129. To authorize courts of county commissioners or boards of revenue of any county, in which the State or Federal authorities shall take or have taken up the work of farm demonstration or the organization of farm life clubs, to appropriate funds for aiding in such work.

Education.

By Mr. Beale:

S. 130. To authorize and empower all municipal corporations which may have heretofore regularly issued bonds as provided by law for all or any of the purposes of constructing a wharf or wharves, and a landing or landings, and purchasing such real estate as may be necessary for such wharf or wharves,

and landing or landings, and the equipping and furnishing of the same, and improving of the water front, for such municipality, and within its limits, and for the purpose of securing the complete use and enjoyment of all said improvements for such municipality, to expend the proceeds of the sale of such bonds for the purpose of constructing a wharf or wharves, and a landing or landings, and purchasing such real estate as may be necessary for such wharf or wharves, and landing or landings, and the equipping and furnishing of the same and improving of the water front, for such municipality outside of its limits as well as within its limits, and within five miles of the corporate limits of such municipality, as such limits are now or may hereafter be established, and for the purpose of securing the complete use and enjoyment of all of said improvements for such municipality whether within or without its limits, and to repeal all laws or parts of laws in conflict with this act.

#### Municipalities and Municipal Organizations.

#### REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Acker:

S. 101. To create a State board of control and economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing the said board.

#### RESOLUTIONS.

Mr. Rogers of Sumter offered the following joint resolution:

S. J. R. 30. Whereas, our country and the known world is being visited by an awful and death-dealing disease commonly called the "flu"; and,

Whereas, the medical world admits its ignorance of the causes and the cure for the "flu"; therefore,

Be it resolved by the Senate of Alabama, the House concurring, That the Congress of the United States be asked to appropriate the sum of two hundred and fifty thousand dollars (\$250,000.00) to investigate, and if possible, to perfect a specific for the elimination of "flu."

Resolved, That a copy of these resolutions be sent to our senators and representatives in the Congress of the United States.

Which was read and referred to the Standing Committee on Rules.

Mr. Acker offered the following Senate joint resolution:

S. J. R. 31. Resolved by the Senate, the House concurring, That it is the sense of the Legislature of Alabama that the Legislature take a recess at the end of the 20th legislative day to re-convene on a day to be hereafter determined.

Resolved further, That when both bodies adjourn today they adjourn to re-convene on Friday, January 31, and that when adjournment is had on Friday it be until Monday, February 3, 1919, at 2 o'clock P. M.

And moved a suspension of the rules and the immediate adoption of said resolution, which motion prevailed, and said resolution was, under a suspension of the rules, adopted.

Yeas, 25; nays, 2.

Yeas:

Messrs:

Acker	Cowan	Kelly	Rogers (Lauderdale)
Baker	Craft	Moore	Rogers (Sumter)
Beale	Ellis	Morris	Sims
Bedsole	Espy	McDowell	Smith (Coosa)
Briscoe	Griffith	Norwood	Smith (Lawrence)
Brown	Harper	Phillips	Tally
Butler			

—25

Nays:

Messrs:

Leith Nance

—2

#### BILLS ON THIRD READING.

The bill:

S. 60. To declare all State lands, whether held in fee or in trust by the State, forest reserves and game refuges; to prohibit the cutting of any tree or timber thereon or setting fire to any inflammable substance growing on the same; to make it unlawful for any person to hunt, trap, net or otherwise kill or take any of the protected wild animals or resident birds thereon; to provide penalties for the violation of the provisions of this act, and to provide procedure in all cases where the State's right or title to such lands is brought into question or interposed as defense by any person or trial for violation of this act.

Was taken up.

The Standing Committee on Fish, Game and Forestry offered the following amendment to said bill, to-wit:

"Provided, this section does not prohibit the sale by the State of timber growing on these lands."



Which was adopted.

Yeas, 25; nays, 0.

*Yeas:*

Messrs:

Baker	Cowan	Leith	Phillips
Beale	Craft	Moore	Rogers (Lauderdale)
Bedsole	Ellis	Morris	Rogers (Sumter)
Briscoe	Espy	McDowell	Sims
Brown	Griffith	Nance	Smith (Coosa)
Butler	Harper	Norwood	Tally
Carmichael			

—25

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; nays, 1.

*Yeas:*

Messrs:

Acker	Cowan	Moore	Rogers (Lauderdale)
Baker	Craft	Morris	Rogers (Sumter)
Beale	Ellis	McDowell	Sims
Bedsole	Espy	Nance	Smith (Coosa)
Briscoe	Griffith	Norwood	Smith (Lawrence)
Brown	Harper	Phillips	Tally
Butler	Kelly		

—26

*Nays:*

Mr. Leith—1.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bill, your signature thereto is requested:

H. 5. To create the Alabama memorial commission, to prescribe its powers and duties, and to make an appropriation in aid thereof.

Fred H. Gormley,  
Clerk.

#### SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following bill:

H. 5. To create the Alabama memorial commission, to prescribe its powers and duties, and to make an appropriation in aid thereof.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 9. To increase the jurisdiction of the mayor of Jackson, Alabama, and fix his compensation for the business transacted.

With notice and proof herewith attached and exhibited as follows:

Notice and Proof H. 9:

## NOTICE.

The following bill will be introduced in the lower house of the next Legislature of Alabama by the undersigned.

John S. Graham,  
Representative-elect.

## AN ACT

To increase the jurisdiction of the mayor of Jackson, Alabama, and fix his compensation for the business transacted.

Be it enacted by the Legislature of Alabama:

1. That the mayor of Jackson, Alabama, shall have jurisdiction concurrent with the justices of the peace of all civil business, where the cause of action arises within the corporate limits of the said town, or defendant resides within corporate limits, and he shall receive the same compensation or cost as is allowed justices of the peace.

2. All laws in conflict herewith are hereby repealed.

State of Alabama, }  
Clarke County. }

Before me, A. E. Chunn, a notary public, personally appeared W. A. Calhoun, publisher of The South Alabamian, a newspaper published in Jackson, Clarke county, Alabama, who, being duly sworn, deposes and says that the notice hereto attached was published in The South Alabamian in its issues of December 20, 27, 1918, January 3, 10, 1919.

W. A. Calhoun,  
Publisher.

Subscribed and sworn to before me this, the 11th day of January, 1919.

A. E. Chunn,  
Notary Public.

H. 126. To abolish the county court of Coffee county, and the offices pertaining thereto.

With notice and proof herewith attached and exhibited as follows:

## NOTICE.

Notice is hereby given that it is my intention to introduce a bill in the 1919 Legislature of Alabama for passage providing in substance that the county court of Coffee county, Alabama, as re-established under the provisions of an act of the Legislature of Alabama, approved September 25, 1915, entitled an "Act to re-establish the county courts which are provided for in article three (3) of chapter one hundred and ninety-eight (198) of the Code of Alabama in all counties wherein the same have been heretofore abolished, etc." be abolished; and providing for the repeal of said act of the Legislature of 1915 so far as its provisions apply to Coffee county, and

providing for the repeal of all acts relating to the judge of said court and his salary and the solicitor of said court and his salary. Said act will also provide for the disposition of all cases pending in said county and undisposed of at the time said repealing law shall go into effect and said county court shall go out of existence.

This December 10, 1918.

J. A. Carnley.

State of Alabama, }  
Coffee County. }

Before me, Fred Folsom, N. P. in and for said State and county, personally appeared R. C. Bryan, who being sworn says on oath that he is editor and publisher of the Elba Clipper, a newspaper published at Elba, Coffee county, Alabama, and that the hereto attached notice was published in said newspaper once a week for four consecutive weeks the first insertion being in issue dated December 10th, 1918, and the last in issue dated December 31st, 1918.

R. C. Bryan.

Sworn to and subscribed before me this 13th day of January, 1919.

Fred Folsom,

Notary Public in and for said State and County.

H. 134. For the relief of T. W. Barker.

With notice and proof herewith attached and exhibited as follows:

#### NOTICE.

Notice is hereby given of the intention to apply to the next session of the Legislature of Alabama for the passage of a local law, in substance, as follows:

For the relief of T. W. Barker.

Be it enacted by the Legislature of Alabama:

Section 1. That the judge of probate of Dallas county, Alabama, be and he is hereby authorized and directed to issue to T. W. Barker a warrant upon the treasury of Dallas county, Alabama, in the sum of two hundred twenty three dollars (\$223.00) to be paid out of the general funds of said county in payment of the unpaid salary of said T. W. Barker, from July 1 to November 14, 1916, as clerk of the inferior court of Dallas county under the provisions of an act of the Legislature, approved September 23, 1915, purporting to create and establish said court, but which act was declared unconstitutional and void by a decision of the Court of Appeals of Alabama, rendered on to-wit, the 14th day of November, 1916.

State of Alabama, }  
Dallas County. }

Before me, N. Waller, a notary public in and for said State and county, personally came F. T. Raiford, who being by me first duly sworn to speak the truth, deposes and says:

I am the editor and publisher of the Selma Times, a newspaper published in Selma, Alabama, Dallas county, daily, except Saturdays, and have been such editor for several years past; that the printed notice hereto attached was published in the columns of the Selma Times to my certain knowledge on the following dates: December 17, 1918; December 24, 1918; December 31, 1918; and January 8, 1919; which said dates covered a period of four weeks consecutively, and was published at least once each week during said period; that the said notice contained in substance notice of the

intention of applying to the Legislature now in session, for the passage of a local law for the relief of T. W. Barker, for services rendered as clerk of inferior court of Dallas county, Alabama, which said court was declared to be unconstitutional by the Supreme Court of Alabama.

(Signed by) F. T. Raiford.

Sworn to and subscribed before me this 18th day of January, 1919.

N. Waller,

Notary Public, Dallas County, Alabama.

H. 132. For the relief of J. H. Berry.

With notice and proof herewith attached and exhibited as follows:

#### NOTICE.

Notice is hereby given of the intention to apply to the next session of the Legislature of Alabama for the passage of a local law in substance as follows:

For the relief of J. H. Berry.

Be it enacted by the Legislature of Alabama:

Section 1. That the judge of probate of Dallas county, Alabama, be and he is hereby authorized and directed to issue to J. H. Berry a warrant upon the treasury of Dallas county, Alabama, in the sum of six hundred and seventy (670.00) dollars, to be paid out of the general funds of said county in payment of the unpaid salary of said J. H. Berry, for services rendered said county by said J. H. Berry, from July 1 to November 14, 1916, as judge of the inferior court of Dallas County, under the provisions of an act of the Legislature, approved September 23, 1915, purporting to create and establish said court, but which act was declared unconstitutional and void by a decision of the court of appeals of Alabama, rendered on to-wit: the 14th day of November, 1916.

State of Alabama, }  
Dallas County. }

Before me, N. Waller, a notary public in and for said State and county, personally appeared F. T. Raiford, who being by me first duly sworn to speak the truth, deposes and says:

That he is editor and publisher of the Selma Times, a newspaper published in Selma, Dallas county, Alabama, daily except Saturdays, and has been such for a period of several years past; that the printed notice hereto attached was published in the columns of the said Selma Times, to his certain knowledge on the following dates: December 17, 1918, December 24, 1918, December 31, 1918, January 8, 1919, which said dates covered a period of four consecutive weeks, and was published at least once each week during said period; the said notice contained in substance notice of the intention of applying to the Legislature now in session, for the passage of a local law for the relief of J. H. Berry, for services rendered as judge of the inferior court of Dallas county, Alabama, which was declared unconstitutional by the Supreme Court of Alabama.

(Signed) F. T. Raiford.

Sworn to and subscribed before me this 18th day of January, 1919.

(Signed) N. Waller,

Notary Public, Dallas County, Alabama.

Also:

H. 77. To amend section 4650 of the Code of Alabama, 1907.

Also:

H. 45. An act to regulate the assessment of cost of public improvements against property by municipalities, and to provide a method by which assessments originally levied against a tract of land may be split and divided among the interested property owners, and providing for the correction of errors in the descriptions of ownerships, and for reducing the assessments before, pending appeal or after an appeal has been decided, and authorizing the governing bodies of cities to settle and compromise cases of assessments or judgments thereon.

Also:

H. 25. To amend section 2566 of the Code of Alabama of 1907.

Also:

H. 102. To amend section 840 of the Code of Alabama, relating to "The Alabama insane hospitals," as amended by the act of September 25th, 1915.

Also:

H. 144. To provide for a proper return of subpoenas to witnesses and to fix the liability of the sheriff for failure of service.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees, as follows:

H. 9, H. 45, H. 102. To the Committee on Municipalities and Municipal Organizations.

H. 126, H. 135, H. 132. To the Standing Committee on Local Legislation.

H. 77 and H. 144. To the Committee on Revision of Laws.

H. 25. To the Committee on Judiciary.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in:

S. J. R. 31. Relative to the Legislature taking recess on the 20th legislative day, also relative to the adjournment until Friday and from Friday to Monday at 2 P. M.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## BILLS ON THIRD READING RESUMED.

The bill:

S. 74. To better secure the administration of the financial affairs of the State in respect to expenditures and appropriations; and for that purpose to establish a State budget commission, and prescribe rules and regulations governing the same.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Moore	Rogers (Lauderdale)
Baker	Cowan	Morris	Rogers (Sumter)
Beale	Craft	McDowell	Sims
Bedsole	Griffith	Nance	Smith (Coosa)
Briscoe	Harper	Norwood	Smith (Lawrence)
Brown	Kelly	Phillips	Tally
Butler	Leith		

—26

Nays:—None.

The bill:

S. 61. To provide for the better enforcement of the game and fish laws; to provide for the appointment of deputy game and fish wardens in the several counties of this State and to prescribe their duties.

Was read a third time at length and passed.

Yeas, 26; nays, 1.

Yeas:

Messrs:

Acker	Cowan	Leith	Rogers (Lauderdale)
Beale	Craft	Moore	Rogers (Sumter)
Bedsole	Ellis	Morris	Sims
Briscoe	Espy	Nance	Smith (Coosa)
Brown	Griffith	Norwood	Smith (Lawrence)
Butler	Harper	Phillips	Tally
Carmichael	Kelly		

—26

Nays: Mr. Baker—1.

The bill:

S. 62. To change the date of the expiration of hunters' licenses from December 31st each year to September 30th each year and to permit all persons to whom hunters' licenses have been issued for the calendar year 1919 to exchange such licenses during the month of September, 1919, for hunters' licenses expiring September 30, 1920, upon the surrender of the hunters' licenses issued to them for the calendar year 1919, and allowing

them a credit in the amount of one-fourth of the purchase price of such licenses.

Was read a third time at length and passed.

Yeas, 27; nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Kelly	Rogers (Lauderdale)
Baker	Cowan	Leith	Rogers (Sumter)
Beale	Craft	Moore	Sims
Bedsole	Ellis	Morris	Smith (Coosa)
Briscoe	Espy	McDowell	Smith (Lawrence)
Brown	Griffith	Norwood	Tally
Butler	Harper	Phillips	

—27

*Nays:*—None.

The bill:

S. 65. To protect wild fur-bearing animals; to provide a season during which they may be legally trapped or taken; to provide a license for those engaged in trapping wild fur-bearing animals; and to provide penalties for the violation of this act.

Was read a third time at length and passed.

Yeas, 27; nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Kelly	Phillips
Baker	Cowan	Leith	Rogers (Sumter)
Beale	Craft	Moore	Sims
Bedsole	Ellis	Morris	Smith (Coosa)
Briscoe	Espy	McDowell	Smith (Lawrence)
Brown	Griffith	Nance	Tally
Butler	Harper	Norwood	

—27

*Nays:*—None.

The bill:

S. 36. To confirm the sales of real estate made in this State under and by power of sale contained in mortgages, where the real estate was sold as a whole, and not in separate pieces.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Kelly	Norwood
Baker	Craft	Leith	Phillips
Beale	Ellis	Moore	Rogers (Lauderdale)
Bedsole	Espy	Morris	Smith (Coosa)
Briscoe	Griffith	McDowell	Smith (Lawrence)
Butler	Harper	Nance	Tally
Carmichael			

—25

*Nays:*—None.

The bill:

S. 56. To regulate in part the time of trial of criminal cases. Was taken up.

Mr. Acker offered the following amendment to said bill, to-wit:

Amend section one of the bill to read as follows:

"Sec. 1. That from and after the passage of this act it shall be unlawful to try any person on an indictment presented by the grand jury until at least one entire day after the case has been placed upon the trial docket of the court, except with the consent of the defendant; provided, that this act shall not apply to cases where an indictment has been quashed or demurrer sustained thereto and a new indictment for identical offense is returned on the same day."

Which was adopted.

Yeas, 23; nays, 1.

Yeas:

Messrs:

Acker	Carmichael	Moore	Rogers (Lauderdale)
Baker	Cowan	Morris	Sims
Beale	Craft	McDowell	Smith (Coosa)
Bedsole	Griffith	Nance	Smith (Lawrence)
Briscoe	Harper	Norwood	Tally
Butler	Kelly	Phillips	—23

Nays:

Mr. Leith—1.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Leith	Phillips
Baker	Cowan	Moore	Sims
Beale	Craft	Morris	Smith (Coosa)
Bedsole	Griffith	Nance	Smith (Lawrence)
Briscoe	Harper	Norwood	Tally
Brown	Kelly		—22

Nays:—None.

The bill:

S. 66. To amend an act approved September 15th, 1915, entitled "An act to require all county solicitors, all circuit solicitors, any solicitors of any court of record to give opinions to all county officials in all matters connected with their offices, except in suits against official bonds."



Was read a third time at length and passed.

Yeas, 20; nays, 0.

*Yeas:*

Messrs:

Baker	Cowan	Leith	Phillips
Bedsole	Craft	Moore	Sims
Briscoe	Griffith	Morris	Smith (Coosa)
Brown	Harper	Nance	Smith (Lawrence)
Butler	Kelly	Norwood	Tally

—20

*Nays:*—None.

The bill:

S. 92. To declare and abate nuisances defined in the act, and to prescribe procedure, remedies, punishments and penalties.

Was taken up.

Mr. Acker offered the following amendment to said bill, to-wit:

Amend the bill as follows:

“By striking out the words: “Without bond” wherever they occur in the bill, and by adding an additional section numbered 31½ as follows:

“31½. No injunction or restraining order shall be issued before hearing in any action brought by a citizen or citizens under the provisions of this act, unless such citizen or citizens have made bond in such sum as may be fixed by the judge to whom the application for such injunction or restraining order is made, such bond to be approved by the clerk of the circuit court of the county in which the proceeding is filed, and to be payable and conditioned as provided by section 4517 of the Code of 1907.”

Which was adopted.

Yeas, 22; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Moore	Phillips
Baker	Craft	Morris	Rogers (Lauderdale)
Bedsole	Espy	McDowell	Sims
Briscoe	Harper	Nance	Smith (Coosa)
Brown	Kelly	Norwood	Tally
Carmichael	Leith		

—22

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 25; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Morris	Rogers (Lauderdale)
Beale	Craft	McDowell	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Griffith	Nance	Smith (Coosa)
Brown	Harper	Norwood	Smith (Lawrence)
Butler	Kelly	Phillips	Tally
Carmichael			

—25

*Nays:*—None.

The bill:

S. 40. To amend section 6168 of the Code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 22; nays, 3.

*Yeas:*

Messrs:

Acker	Carmichael	Moore	Rogers (Lauderdale)
Beale	Cowan	Morris	Rogers (Sumter)
Bedsole	Ellis	McDowell	Sims
Briscoe	Griffith	Nance	Smith (Coosa)
Brown	Harper	Phillips	Smith (Lawrence)
Butler	Kelly		

—22

*Nays:*

Messrs:

Craft	Leith	Tally	
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—3

The bill:

S. 38. To authorize the making and entering of record of certain orders and decrees in probate courts; providing the method of obtaining same and defining the effect thereof.

Was taken up.

Mr. Ellis offered the following amendment to said bill, to-wit:

Amend the bill by adding section 11½, as follows:

"11½. Notice of the pendency of such petition shall be issued by the probate judge and served upon all parties in interest who reside in the county in which such proceeding is had, at least ten days before the hearing of such petition."

Which was adopted.

Yeas 27; nays, 0.

*Yeas:*

Messrs:

Acker	Briscoe	Cowan	Harper
Baker	Brown	Ellis	Kelly
Beale	Butler	Espy	Leith
Bedsole	Carmichael	Griffith	Moore

Morris	Norwood	Rogers (Sumter)	Smith (Lawrence)
McDowell	Phillips	Sims	Tally
Nance	Rogers (Lauderdale)	Smith (Coosa)	—27

*Nays*:—None.

Mr. Ellis also offered the following amendment to said bill, to-wit:

Amend the title of the bill to read as follows:

“To authorize the making nunc pro tunc and entering of record in the probate court of necessary orders in proceedings to sell real estate, omitted by inadvertence, neglect, death, resignation or removal of the probate judge; to provide the procedure in obtaining same, and to define the effect thereof.”

Which was adopted.

Yeas, 26; nays, 0.

<i>Yeas</i> :			
Messrs:			
Acker	Carmichael	Moore	Rogers (Lauderdale)
Baker	Cowan	Morris	Rogers (Sumter)
Beale	Espy	McDowell	Sims
Bedsole	Griffith	Nance	Smith (Coosa)
Briscoe	Harper	Norwood	Smith (Lawrence)
Brown	Kelly	Phillips	Tally
Butler	Leith		—26

*Nays*:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; nays, 1.

<i>Yeas</i> :			
Messrs:			
Acker	Butler	Moore	Rogers (Lauderdale)
Baker	Cowan	Morris	Rogers (Sumter)
Beale	Espy	McDowell	Sims
Bedsole	Griffith	Nance	Smith (Coosa)
Briscoe	Harper	Norwood	Smith (Lawrence)
Brown	Kelly	Phillips	Tally
			—24

*Nays*: Mr. Leith—1.

The bill:

S. 90. To provide for extension work in agriculture and home economics by giving instruction to men, women and young people in the several counties in Alabama, by continuing and improving farm demonstration work, by organizing marketing clubs, by organizing and supervising boys' corn and pig clubs,

girls' canning clubs, women's clubs in home economics and by conducting other extension work through other means, all with a view to making farm life more profitable and attractive; to secure for Alabama the full amount of the funds conditionally appropriated by Congress under the Smith-Lever extension act for extension work in agriculture and home economics; and to make appropriations for these purposes.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; nays, 0.

**Yeas:**

**Messrs:**

Acker	Cowan	Leith	Prestwood
Beale	Craft	Moore	Rogers (Lauderdale)
Bedsole	Ellis	Morris	Rogers (Sumter)
Briscoe	Espy	McDowell	Sims
Brown	Griffith	Nance	Smith (Coosa)
Butler	Harper	Norwood	Smith (Lawrence)
Carmichael	Kelly	Phillips	Tally

—28

*Nays*:—None.

**The bill:**

S. 97. To make an appropriation for the equipment and maintenance of the Alabama room in the Confederate memorial museum at Richmond, Virginia.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; nays, 0.

**Yeas:**

**Messrs:**

Acker	Craft	Morris	Rogers (Lauderdale)
Baker	Ellis	McDowell	Rogers (Sumter)
Bedsole	Griffith	Nance	Sims
Briscoe	Harper	Norwood	Smith (Coosa)
Brown	Leith	Phillips	Smith (Lawrence)
Carmichael	Moore	Prestwood	Tally
Cowan			

—25

*Nays*:—None.

**The bill:**

S. 93. To exempt from taxation bonds of the United States known as Liberty Bonds, and to authorize the deduction of the value of such bonds when held by a corporation in fixing the value of shares of such corporation for taxation.

Was taken up.

The Standing Committee on Finance and Taxation offered the following substitute for said bill, to-wit.

A bill to be entitled an act to exempt from taxation bonds of the United States known as Liberty Bonds and War Savings Stamps, and to authorize the deduction of the value of such bonds and War Savings Stamps when held by a corporation in fixing the value of shares of such corporation for taxation.

Section 1. Be it enacted by the Legislature of Alabama, That the bonds of the United States, known as Liberty Bonds and War Savings Stamps, shall be exempt from all State, county and municipal taxes; and that, when such bonds and War Savings Stamps are held by any corporation whose shares of stock are subject to taxation in this State, the value of such bonds and War Savings Stamps so held by any corporation shall be deducted from the total value of the shares of stock of said corporation in fixing the taxable value of said shares, and that such deduction shall be in addition to the other deductions now authorized by law, and such deductions shall be made for the current tax year.

Which was adopted.

Yeas, 25; nays, 0.

*Yeas:*

Messrs:

Acker	Ellis	Morris	Rogers (Lauderdale)
Bedsole	Griffith	McDowell	Rogers (Sumter)
Briscoe	Harper	Nance	Sims
Brown	Kelly	Norwood	Smith (Coosa)
Carmichael	Leith	Phillips	Smith (Lawrence)
Cowan	Moore	Prestwood	Tally
Craft			

—25

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	McDowell	Rogers (Sumter)
Bedsole	Ellis	Nance	Sims
Briscoe	Griffith	Norwood	Smith (Coosa)
Brown	Harper	Phillips	Smith (Lawrence)
Carmichael	Leith	Prestwood	Tally
Cowan	Morris	Rogers (Lauderdale)	

—23

*Nays:*—None.

## REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills beg leave to report that said committee, in session, have compared the following enrolled bills, with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

By Mr. McDowell:

S. 31. To amend sections 7 and 23a of an act approved April 24th, entitled, "An act for the regulation and control of fraternal benefit societies and repealing said sections 7 and 23a," and authorizing issuance of certificates to children and a basis of valuation of assets.

C. S. McDowell,  
Chairman.

## SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following bill:

S. 31. To amend sections 7 and 23a of an act approved April 24th, 1911, entitled, "An act for the regulation and control of fraternal benefit societies and repealing said sections 7 and 23a," and authorizing issuance of certificates to children and a basis of valuation of assets.

## RECESS.

On motion of Mr. Briscoe, the Senate at 12:30 P. M., took a recess until 2:30 o'clock this afternoon.

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AFTERNOON SESSION—TENTH DAY.

Wednesday, January 29, 1919.

The Senate reassembled at 2:30 o'clock P. M., Lieutenant Governor Miller presiding.

## ROLL CALL.

On a call of the roll, 25 members answered to their names, a quorum of the Senate.

## RESOLUTION.

Mr. Rogers of Sumter offered the following Senate resolution:

S. R. 32. Resolved, That out of respect for the memory of Judge Gaston Gunter, brother of the senator from Montgomery, that the Senate do now adjourn for one hour.

Which was, under a suspension of the rules, unanimously adopted, and the Senate at 2:40 P. M., in pursuance of said resolution, took a recess for one hour.

The recess having expired, the Senate reassembled at 3:40 o'clock P. M., Lieutenant Governor Miller presiding.

## PRIVILEGES OF THE FLOOR.

On motion of Mr. McDowell, the privileges of the floor were extended to Judge Bowman, of Pike.

## BILL RECALLED AND RE-REFERRED.

On motion of Mr. Ellis, the bill:

S. 39. To amend section 146 of the Code of Alabama of 1907.

Was recalled from the Standing Committee on Revision of Laws and re-referred by the President of the Senate to the Standing Committee on Judiciary.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Bedsole:

S. 131. To amend section 563 of the Code, relating to servants of the executive offices.

Judiciary.

By Mr. Bedsole:

S. 132. To create the Alabama centennial commission, to prescribe its powers and duties, and to make an appropriation for the appropriate celebration, under the direction of the commission, of the one-hundredth anniversary of the admission of Alabama into the Federal union.

Finance and Taxation.

By Mr. Bedsole:

S. 135. To amend subdivision 3 of section 7843 of the Code.  
Revision of Laws.

By Mr. Sims:

S. 134. To provide for the organization or admission and the regulation and taxation of incorporated mutual insurance companies, other than life.

Banking and Insurance.

#### REPORTS OF COMMITTEES.

Mr. Nance, chairman of the Standing Committee on Public Buildings and Grounds, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Jones of Montgomery:

H. 65. To amend section 2047 of the Code of Alabama, 1907.

Mr. Kelly, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kelly:

S. 54. To prohibit the erection and maintenance of advertising signs resembling railroad crossing signs, on the public highways, and on private property within one hundred feet of the right-of-way of a public road, and to provide penalties for the violation of the provisions of this act.

Mr. Sims, acting chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Leith:

S. 104. To amend section 7881 of the Code of Alabama of 1907.

By Mr. Acker:

S. 106. To provide for the prosecution of misdemeanors by complaint and summons, to regulate the practice and procedure of such prosecutions, and to provide for the duty of magistrates and officers in such prosecutions, and to provide for the fees and costs in such cases.

By Mr. Orr:

H. 115. To amend an act approved August 18, 1909, providing for the holding of two terms each year of the circuit court of Marshall county at Albertville, and to make certain and more



definitely define the jurisdiction of said court, and to provide for the method of procuring juries for said court.

Mr. Acker, acting chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Leith:

S. 123. To create a county highway commission for Walker county, Alabama, and to define the powers and duties thereof.

By Mr. Oliver:

H. 28. To require the board of revenue of all counties of 82,000 population, and not more than 100,000 population, according to the last Federal census, to pay out of the general fund of such counties to the sheriffs of such counties, a salary of \$4,000.00 per annum net, to allow and pay out of the general fund of such counties, the sum of \$1,500.00 per annum for the chief clerk in the office of the sheriffs of such counties, \$1,800.00 per annum for the chief deputy in the office of such sheriffs, \$2,400.00 per annum for two deputies in the office of such sheriffs and \$1,000.00 to the sheriffs of such counties for extra assistance in their said offices.

By Mr. Faulk:

H. 60. To prohibit the court of county commissioners of Geneva county, Alabama, from making any payment or donation to any farm demonstrator or person performing the duties of farm demonstrator in Geneva county, Alabama.

By Mr. Jones of Escambia:

H. 135. To confer additional duties and powers upon the court of county commissioners of Escambia county to enable said court to better provide for the maintenance and construction of the public roads and bridges in said county.

Mr. Griffith, chairman of the Standing Committee on Corporations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Acker:

S. 102. To provide for the consolidation of corporations not of a business character.

## REPORT FROM COMMITTEE OF ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills, beg leave to report, that said committee, in session have examined and compared the following engrossed bills with the originals and find same correctly engrossed, to-wit:

S. 28. To amend section 883 of the Code of Alabama.

Also:

S. 82. To provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty cents (30) on each one hundred (100) dollars worth of taxable property in such county; to authorize any school district, in any county that may be levying a special county taxes for school purposes of not less than thirty (30) cents on each one hundred (100) dollars worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100) worth of taxable property in such school district; and to authorize boards of education to issue interest-bearing warrants, to erect, repair and equip school buildings and to otherwise improve school facilities.

R. B. Evins,  
Chairman.

## MESSAGE FROM THE GOVERNOR.

*To the Senate and House of Representatives:*

In reference to House Bill No. 1, reading as follows:

"Section 1. Be it enacted by the Legislature of Alabama, That from and after the passage of this act the salary of the governor of Alabama shall be seventy-five hundred dollars per annum, payable monthly by warrant of the State auditor." \* \* \*

It has not been customary for outgoing governors to act upon such bills that have been brought to their desks in the closing days of the administrations. I am possessed, however, with a desire that insofar as it is practicable that the desk of this office shall be clear of all pending matters when the incoming governor takes his seat. I have also been informed by those who are in position to know that this bill has been sent to my desk this early in the session, with the expectation that it will be acted upon, either by approval or disapproval. The salary of \$7,500.00, which the bill carries, is not an unreasonable sum for the governor of the great State of Alabama to receive. The last Legislature passed an act reducing it to \$5,000.00. I did not give my approval to this bill, but did permit it to become a law without my signature. This was a strong disapproval of the act, as conditions at that time justified. Subsequent events have only confirmed my opinion that the salary of \$7,500.00 was nearer a proper sum to be paid to the governor than \$5,000.00. Therefore, any objections that might be entertained by me in reference to the bill is not in the amount of compensation, but pertains to other conditions.

These objections, briefly summed up, are as follows: That if it is the purpose, which the act indicates upon its face, to increase the salary of an incoming officer who was elected in November then it is a gross violation of the spirit of section 281 of the Constitution, which reads as follows:

"The salary, fees or compensation of any officer holding any civil office of profit under this State or any county or municipality thereof, shall not be increased or diminished during the term for which he shall have been elected or appointed."

The practice that called forth this section of the Constitution was that of increasing the salaries of the officers during their term of office. It evidently was not contemplated by the framers of the Constitution that attempts would be made to increase the compensation of officers after they had been elected and before they had entered upon the duties of their office as there are only five legislative days intervening between the time of the assembling of the Legislature and that in which many officers of the State assume the duties of their respective offices. The practice of attempting to change the compensation of those who had been elected to office is a dangerous one, and it seems that it is becoming more popular with the assembling quadrennially of the Legislature. Taking this view of the act, together with this growing practice, it would appear that House Bill No. 1 should meet with my disapproval, but after all limitations of law, let them be ever so rigid there at last must rest with the conscience of the individuals who have to do with the administration of law what is right and what is wrong in the discharge of their respective duties. With right thinking and correct acting officers really no limitations are needed. It is not so much the form of government, but those who administer the government, that determine whether or not it is just and efficacious.

Believing as I do that \$7,500.00 per annum is a just salary and leaving its application to those who may be interested, I have determined that it was in the line of my duty to approve the bill, and this message is merely to give you that information.

January 18, 1919.

Charles Henderson,  
Governor.

#### GOVERNOR'S MESSAGE.

The foregoing message from His Excellency, the Governor, was read and ordered spread upon the Journal.

#### REPORT FROM COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Griffith, chairman of the Standing Committee on Revision of the Journal, begs leave to report that said committee, in session, has examined the Journal of the Senate for the first, seventh and eighth legislative days and finds same contains the proper entries in reference to each bill and resolution contained therein, as required by the Constitution.

A. A. Griffith,  
Chairman.

#### COMMITTEE REPORT.

On motion of Mr. Griffith, the foregoing report from the Committee on Revision of the Journal was adopted and the Jour-

nals of the first, seventh and eighth legislative days of the session, were approved by the Senate.

# BILLS ON THIRD READING.

The bill:

S. 103. To revoke conditional and contingent appropriations heretofore made by the Legislature insofar as they remain unpaid at the time of the passage of this act, and to repeal such existing appropriation bills insofar as the appropriations respectively remain unpaid.

Was taken up.

Mr. Acker offered the following amendment to said bill, to-wit:

Amend the title so as to read as follows: An act to revoke conditional and contingent appropriations heretofore made by the Legislature (except appropriations for the payment of pensions to Confederate Veterans and appropriations for the support of public schools made by act approved April 18, 1911), insofar as they remain unpaid at the time of the passage of this act, and to repeal such existing appropriation acts insofar as the appropriations respectively remain unpaid.

Which was adopted.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Acker	Craft	Moore	Prestwood
Baker	Ellis	Morris	Rogers (Lauderdale)
Bedsole	Griffith	McDowell	Sims
Briscoe	Harper	Nance	Smith (Coosa)
Brown	Kelly	Norwood	Smith (Lawrence)
Butler	Leith	Phillips	Tally
Carmichael			

—25

Nays:—None.

Mr. Acker also offered the following amendment to said bill:

Amend the act by adding section 3 to read as follows:

Section 3. This act shall not apply to any appropriations for the payment of pensions to Confederate veterans or to the appropriations for the support of public schools made by act approved April 18, 1911.

Which was adopted.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Acker	Briscoe	Carmichael	Griffith
Baker	Brown	Craft	Harper
Bedsole	Butler	Ellis	Kelly

Leith	Nance	Prestwood	Smith (Coosa)
Moore	Norwood	Rogers (Lauderdale)	Smith (Lawrence)
Morris	Phillips	Sims	Tally
McDowell			

—25

*Nays*:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 25; nays, 0.

*Yeas*:  
Messrs:

Acker	Craft	Moore	Prestwood
Baker	Ellis	Morris	Rogers (Lauderdale)
Bedsole	Griffith	McDowell	Sims
Briscoe	Harper	Nance	Smith (Coosa)
Brown	Kelly	Norwood	Smith (Lawrence)
Butler	Leith	Phillips	Tally
Carmichael			

—25

*Nays*:—None.

The bill:

H. 58. To provide for the drawing, summoning and empan-  
neling of juries for the circuit courts of Marshall county, and in  
every way provide a special jury law for Marshall county.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

*Yeas*:  
Messrs:

Acker	Craft	Moore	Prestwood
Baker	Ellis	Morris	Rogers (Lauderdale)
Bedsole	Griffith	McDowell	Sims
Briscoe	Harper	Nance	Smith (Coosa)
Brown	Kelly	Norwood	Smith (Lawrence)
Butler	Leith	Phillips	Tally
Carmichael			

—25

*Nays*:—None.

The bill:

S. 94. To authorize the governor to make a temporary ap-  
pointment to fill a vacancy in the office of senator from the State  
of Alabama in the Senate of the United States.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

*Yeas*:  
Messrs:

Acker	Bedsole	Brown	Carmichael
Baker	Briscoe	Butler	Craft

Ellis	Moore	Norwood	Sims
Griffith	Morris	Phillips	Smith (Coosa)
Harper	McDowell	Prestwood	Smith (Lawrence)
Kelly	Nance	Rogers (Lauderdale)	Tally
Leith			

—25

*Nays*:—None.

The bill:

S. 91. To authorize the court of county commissioners to establish private roads and to provide for their upkeep and payment of damages to landowners over whose land road passes.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

*Yeas*:

Messrs:

Acker	Carmichael	Leith	Phillips
Baker	Craft	Moore	Prestwood
Beale	Ellis	Morris	Sims
Bedsole	Griffith	McDowell	Smith (Coosa)
Briscoe	Harper	Nance	Smith (Lawrence)
Brown	Kelly	Norwood	Tally
Butler			

—25

*Nays*:—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

By Rules Committee:

H. J. R. 31. Resolved by the House of Representatives, the Senate concurring:

1. There is hereby created a joint committee to be composed of three senators and five representatives, who are hereby authorized and required to examine and consider, during the recess of the Legislature, the compilation of all the existing statutes of Alabama, of a general nature, as compiled and submitted to this Legislature by Sam'l Will John.

2. The committee shall have authority to employ a skilled stenographer and typewriter who shall be paid such fair wages as the committee may be able to obtain such services for.

3. The committee shall consider any such proposition of the compiler, Sam'l Will John, to publish the statutes as a Code, and may agree upon the number and arrangement of the volumes, and upon the paper, type and binding, and the price to be paid by the State upon the delivery of the required number of sets of the Code to the governor and report a bill embodying all the terms of the contract, to the Legislature for consideration.

4. The presiding officer of the Senate shall appoint the senators and the Speaker shall appoint the representatives to be members of this committee. Any vacancy occurring in the membership of this committee shall be filled by the officer who appointed the member who vacated his membership on the committee.

5. This joint committee shall also consider the question of re-establishing the chancery courts and the proper recircuiting the circuit courts and report their conclusions thereon by bill or otherwise.

6. The Speaker of the House and the President pro tem of the Senate shall be ex-officio members of the committee.

Said committee while engaged in the discharge of the duties shall be paid actual expenses in addition to their per diem.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House joint resolution 31, set out in the foregoing message from the House, was read and referred to the Standing Committee on Judiciary.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Faulk:

H. J. R. 27. Whereas, government ownership of railroads and other public utilities is contrary to the traditions and principles of our government, and people; and, whereas, experience has shown that the government cannot operate such public utilities as economically or as efficiently as private corporations; and, whereas, we believe that the interest of the people will be better subserved by a restoration of the railroads and other public utilities to their private owners; therefore, be it resolved by the House of Representatives of the State of Alabama, the Senate concurring, That the Congress of the United States take prompt action looking to an immediate return of the railroads and other public utilities now operated by the government to their owners, reserving such government control thereof as may be necessary.

Resolved, further, That a copy of this resolution, certified by the secretary of State, be sent to each the vice-president of the United States, the Speaker of the House of Representatives in

Congress, and to each senator and member of the House of Representatives in Congress from the State of Alabama.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House joint resolution No. 27, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Jones of Montgomery:

H. J. R. 32. Resolved by the House, the Senate concurring, That the Legislature of Alabama has learned with profound sorrow of the death of Hon. Gaston Gunter, a former member of the House, an able and just judge and an upright and fearless citizen.

Resolved further, That a committee of ten, three from the Senate and seven from the House, be appointed to attend his funeral.

Resolved further, That as a mark of respect to his memory the two houses do now stand adjourned until Friday next at ten A. M.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Carmichael, the House joint resolution No. 32, set out in the foregoing message from the House, was, under a suspension of the rules, adopted by the Senate, and the President of the Senate thereupon, appointed as a committee on the part of the Senate, Messrs. McDowell, Norwood and Brown.

#### ADJOURNMENT.

On motion of Mr. Carmichael and in pursuance of House joint resolution No. 32, heretofore adopted, the Senate at 4:30 P. M., adjourned until Friday morning, January 31st, 1919, at 10 o'clock A. M.



## ELEVENTH DAY.

Friday, January 31st, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

## PRAYER.

By Rev. Dr. Colley, of Montgomery.

## ROLL CALL.

Mr. President and

Messrs:

Acker	Craft	Kelly	Rogers (Lauderdale)
Baker	Ellis	Leith	Rogers (Sumter)
Beale	Espy	Moore	Sims
Bedsole	Evins	Morris	Smith (Coosa)
Briscoe	Griffith	McDowell	Smith (Lawrence)
Brown	Gunter	Norwood	Tally
Butler	Harper	Phillips	West
Carlton	Huddleston	Prestwood	

—31

## JOURNAL.

On motion of Mr. Bedsole the reading of the Journal of yesterday was dispensed with and same was approved by the Senate.

## LEAVE OF ABSENCE.

On motion of Mr. Kelly, leave of absence was granted Mr. Carmichael for today.

## PRIVILEGES OF THE FLOOR.

On motion of Mr. McDowell, the privileges of the floor were extended to Dr. D. A. Bush, of Barbour.

On motion of Mr. Espy, the privileges of the floor were extended Judge Owen.

On motion of Mr. Leith, the privileges of the floor were extended Judge Smith.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Smith of Lawrence:

S. 135. To further the collection of judgments and claims for personal injuries to and death of employees and to provide such judgments and claims be preferred.

Judiciary.

By Mr. Griffith:

S. 136. To amend section 6050 of the Code of Alabama.

Judiciary.

By Mr. Tally (by request):

S. 137. To amend sections 2520 and 2539 of the Civil Code of Alabama.

Revision of Laws.

By Mr. Acker:

S. 138. To amend section 1 of an act entitled "An act to amend sections 3615 and 3625 of the Code of Alabama, 1907, approved February 28, 1911."

Corporations.

By Mr. Acker:

S. 139. To establish the eighteenth judicial circuit, to be composed of the counties of Calhoun and Cleburne; to provide for a judge and the appointment of a solicitor; to fix their compensation and to provide that a portion of the judge's salary be paid out of the county treasuries of the counties constituting said circuit.

Judiciary.

With notice and proof attached and herewith exhibited as follows:

#### NOTICE OF PROPOSED LEGISLATION.

Notice is hereby given that when the Legislature of the State of Alabama convenes in January, 1919, a bill will be submitted for enactment into law to establish the eighteenth judicial circuit of the State of Alabama, to be composed of the counties of Calhoun and Cleburne; to provide for a judge and solicitor, fix their compensation and provide that a portion of the judge's salary be paid out of the county treasuries of the counties composing said circuit.

C. H. Young.

State of Alabama, }  
Cleburne County. }

Before me, Frances Hunnicutt, a notary public in and for said State and county, personally came C. F. Dodson, who, being by me duly sworn, deposes and says that he is the editor and publisher of The Cleburne News, a newspaper published weekly at Heflin, Cleburne county, Alabama, and that the above notice of proposed legislation, signed by C. H. Young, was published in said newspaper once a week for four consecutive weeks, prior to January 30th, 1919.

C. F. Dodson.

Sworn to and subscribed before me on this the 30th day of January, 1919.

Frances Hunnicutt.  
Notary Public.

(Seal.)

By Mr. Acker:

S. 140. To amend an act entitled "An act to amend section 5422 of the Code of Alabama 1907." (Relates to general, direct and reverse indexes in the probate office.)

Revision of Laws.

By Mr. Acker:

S. 141. To authorize and empower the governor to employ an expert accountant to make a complete statement of the State's finances, showing all unpaid warrants outstanding, unpaid bills and accounts and the resources for the payment of the same.

Finance and Taxation.

By Mr. Acker:

S. 142. To amend an act approved September 25, 1915, entitled, "An act to provide for the appointment of an official court reporter by each circuit judge in Alabama; to fix their compensation, define their duties and provide for special reporters in certain cases."

Judiciary.

By Mr. Craft:

S. 143. To create the office of assistant clerk of the inferior criminal court of Mobile county, prescribe his or her duties, fix his or her salary and provide for the method of selection for said office.

Local Legislation.

With notice and proof attached and herewith exhibited as follows:

State of Alabama, }  
Mobile County. }

Personally appeared before me Minnie E. Shultz, a notary public in and for said State and county, R. G. Rapier, who, on oath, deposes and says that he is secretary and treasurer of the Mobile Register, a newspaper published in the city and county of Mobile, State of Alabama, and that the annexed publication, to-wit:

Notice is hereby given that application will be made to the Legislature of Alabama for the passage of the following act:

#### AN ACT

To create the office of assistant clerk of the inferior criminal court of Mobile county, prescribe his or her duties, fix his or her salary and provide for the method of selection for said office.

Section 1. Be it enacted by the Legislature of Alabama: That there is hereby created the office of assistant clerk of the inferior criminal court of Mobile county.

Section 2. That immediately after the passage of this act there shall be appointed by the clerk of the inferior criminal court of Mobile county by and with the consent of the judge of said court, expressed in writing and entered upon the minutes of said court an assistant clerk who shall hold office at the will of the clerk of the court and who shall perform such duties as may be prescribed by the judge or clerk of said court. Said assistant clerk shall receive a salary of one thousand dollars per annum, payable monthly out of the county treasury of Mobile county and said assistant clerk may be either a male or female.

Section 3. That all laws and parts of laws in conflict with the provisions of this act shall be and are hereby repealed.  
was duly published in said newspaper once a week for four successive weeks beginning on January 8th, 1919.

Subscribed and sworn to before me this 29th day of January, 1919.  
R. G. Rapier.

Notary Public in and for Mobile County, State of Alabama.  
Minnie E. Shultz,  
Notary Public, Mobile County, Alabama.  
My commission expires May 27th, 1919.

By Mr. Tally:

S. 144. To amend section 16 of an act approved July 17, 1915, to provide for the registration of electors.

Privileges and Elections.

By Mr. Tally:

S. 145. To repeal section 4198 of the Code of 1907.

Revision of Laws.

By Mr. Craft:

S. 146. To exempt from the payment of poll tax, all soldiers and sailors during their respective service in the war of 1917-1918.

Privileges and Elections.

By Mr. Bedsole:

S. 147. To regulate the enjoyment of existing franchises of corporations by purchasers of its property and their successors.

Corporations.

By Mr. Craft:

S. 148. To grant to the United States government a site for a maritime quarantine station, including the conveyance of needful soil now or heretofore covered by navigable waters of the State of Alabama, and to cede jurisdiction thereof.

Judiciary.

By Mr. Gunter (by request):

S. 149. To amend section 3793 of the Code of 1907.

Revision of Laws.

#### REPORTS OF COMMITTEES.

Mr. Acker, chairman of the standing committee on Judiciary, reported that said committee, in session, had acted on the follow-

ing bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Acker (with substitute):

S. 127. To fix and limit the term of office of all officers of the State, or any political subdivision thereof, who hold office under appointment from the governor, and to authorize the governor to remove any officer of the State or any political subdivision thereof, who holds office under appointment by the governor, except county officers.

By Mr. Ellis:

S. 42. To amend section 147 of the Code of Alabama of 1907.

By Mr. Ellis:

S. 41. To amend section 153 of the Code of Alabama of 1907.

By Mr. Ellis:

S. 39. To amend section 146 of the Code of Alabama of 1907.

H. J. R. 31. (With amendment.) Relating to the compilation of all the existing statutes of Alabama.

Mr. Sims, acting chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Sparks:

H. 77. To amend section 4650 of the Code of Alabama, 1907.

Mr. Butler, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Carmichael (with amendment):

S. 109. To provide for the acceptance of the benefits of an act passed by the Senate and House of Representatives of the United States of America, in Congress assembled, to provide for the promotion of vocational education, to provide for the appointment of a State board for vocational education, and to provide for the duties thereof; and to make appropriations for vocational education.

Mr. Sims, chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted

on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Baker:

S. 120. To provide that fraternal insurance contracts shall not be contested after it has been in force for two years for fraud or irregularities in the application, and that no misrepresentation or warranty in the negotiation of a contract of such insurance or in such contract of insurance, or application therefor, or proof of loss thereunder, shall defeat or avoid the policy, or prevent its attaching, unless made with actual intent to defraud or unless the matter misrepresented increase the risk of loss.

By Mr. Sims:

S. 134. To provide for the organization or admission and the regulation and taxation of incorporated mutual insurance companies, other than life.

Mr. Leith, chairman of the Standing Committee on Mining and Manufacturing, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Leith:

S. 53. Prescribing the liability of an employer to make compensation by way of damages for injuries due to accident received by an employee arising out of and in the course of employment and providing for the enforcement of same, modifying common law and statutory remedies, in such cases; establishing an alternative elective schedule of compensation, regulating procedure for the determination of liability and compensation thereunder in certain cases, and prescribing penalties for the violation thereof; and providing a lien for attorney's fees and for medical and surgical services.

Mr. Espy, chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Dunaway:

H. 39. To establish and provide for State-wide eradication of the cattle fever tick (*margaropus annulatus*) and any other tick that shall be found to carry a disease-producing infection to cattle or any other domestic animals.

Mr. Brown, chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Craft (by request) :

S. 83. To amend section 1309 of the Code of Alabama, 1907.

By Mr. Beale :

S. 130. To authorize and empower all municipal corporations which may have heretofore regularly issued bonds as provided by law for all or any of the purposes of constructing a wharf or wharves, and a landing or landings, and purchasing such real estate as may be necessary for such wharf or wharves, and landing or landings, and the equipping and furnishing of the same, and improving of the water front, for such municipality, and within its limits, and for the purpose of securing the complete use and enjoyment of all said improvements for such municipality, to expend the proceeds of the sale of such bonds for the purpose of constructing a wharf or wharves, and a landing or landings, and purchasing such real estate as may be necessary for such wharf or wharves, and landing or landings, and the equipping and furnishing of the same and improving of the water front, for such municipality outside of its limits as well as within its limits, and within five miles of the corporate limits of such municipality, as such limits are now or may hereafter be established, and for the purpose of securing the complete use and enjoyment of all of said improvements for such municipality whether within or without its limits, and to repeal all laws or parts of laws in conflict with this act.

By Mr. Craft (by request) :

S. 84. To amend section 3613 of the Code of Alabama, 1907, as amended March 29th, 1911.

By Mr. Beale (with amendment) :

S. 50. To amend section 878 of the Code of Alabama as amended by the act of September 25th, 1915. (Relating to "The Alabama insane hospitals.")

By Mr. Van de Graff :

H. 102. To amend section 840 of the Code of Alabama, relating to "The Alabama insane hospitals" as amended by the act of September 25, 1915.

#### ADVERSE REPORT.

Mr. Sims, acting chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had

acted on the following bill and ordered same returned to the Senate with an adverse report:

By Mr. Cobbs:

H. 144. To provide for a proper return of subpoenas to witnesses and to fix the liability of the sheriff for failure of service.

#### RESOLUTION.

Mr. Ellis offered the following Senate joint resolution:  
By Mr. Ellis:

S. J. R. 33. Whereas, the 167th Regiment, United States Infantry, formerly the Fourth Alabama National Guard, was originated and originally composed of Alabamians; and,

Whereas, such regiment has achieved an undying fame after long and glorious service in France in the service of its country; and,

Whereas, the 167th Regiment has suffered tremendous casualties and through its service has earned lasting renown and is entitled to such recognition as will preserve its integrity as a command; and,

Whereas, it is the desire of the people of Alabama that the regiment in its entirety should be returned to them as it went to the front and demobilized at the Capitol of the State of Alabama; and,

Whereas, such recognition of service will be productive of lasting lessons of patriotism and loyalty and courage among the people of Alabama and the entire country; now, therefore,

Be it resolved by the Senate, the House concurring, That the secretary of war and the general staff of the United States army, be memorialized to preserve the individuality and integrity of this grand fighting regiment whose record is an honor to both State and nation, and that when the time for its return to the United States for demobilization shall arrive, that the regiment be returned to the Capitol of Alabama in its entirety, and there be demobilized, after the usual technical preliminaries have been complied with.

And Mr. Ellis moved a suspension of the rules and that said said resolution be put upon its immediate passage, which motion prevailed.

Mr. Rogers of Sumter moved that said resolution be adopted by a rising vote, which motion prevailed, and said resolution was adopted by a rising vote of the Senate. And, on motion of Mr. McDowell, said resolution was sent forthwith to the House without engrossment.



## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bill, your signature thereto is requested:

H. 58. To provide for the drawing, summoning and empanelling of juries for the circuit courts of Marshall county, and in every way provide a special jury law for Marshall county.

Fred H. Gormley,  
Clerk.

## SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

H. 58. To provide for the drawing, summoning and empanelling of juries for the circuit courts of Marshall county, and in every way provide a special jury law for Marshall county.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

H. J. R. 10. Be it resolved by the Senate, the House concurring that,

Whereas, The Bankhead National Highway Association has mapped a continuous highway from Washington to Los Angeles through Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona and California, which they have designated as the Bankhead National Highway in recognition of the thirty-two years of service in the Congress of the United States of the senior senator from Alabama and of his distinguished advocacy of the Federal improvement of the highways; and

Whereas, The route has been located after inspection and approval by a representative of the United States Bureau of Public Roads and an impartial pathfinding committee and has the approval of the highway commission of this State; and

Whereas, The Bankhead National Highway Association has requested that said road be made an inter-state highway and that the several states join in memorializing the Federal government to designate said road as a national highway and to cooperate with the states in its construction and maintenance.

Therefore, be it resolved, (1) That the State of Alabama hereby join the other states in the establishment of this road as an inter-state highway, the route across Alabama being route Nos. 2 and 9 as shown on the State highway map and traversing the cities of Heflin, Anniston, Talladega, Pell City, Birmingham, Jasper, Hamilton, Guin and Sulligent. (2) That the Congress of the United States be and hereby is memorialized to designate the said road as the Bankhead National Highway, and to aid the states in its construction and maintenance as a national highway. (3) That this action be transmitted to the governors of the several states and to the several secretaries of State for their consideration and to the president of the United States for Federal action.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House joint resolution No. 10, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 131. For the relief of Camp Jones, No. 317, United Confederate veterans and to require the county's proportion of the license money paid by said Camp Jones in March, 1917, to be refunded to it by the treasurer of Dallas county, or the person or corporation acting as such treasurer, and requiring the auditor of the State of Alabama to draw his warrant for the amount or proportion of said license money which the State received in favor of the commander of said Camp Jones, the total being the sum of \$139.98.

With notice and proof hereto attached and exhibited as follows:

#### NOTICE.

Camp Jones No. 317, United Confederate Veterans, of Selma, Alabama, will make application to the next Legislature for relief for excess of license paid to the Sheasley Carnival Company which showed in Selma for their benefit and full license was charged when it was purely a charitable cause and it was agreed that the camp should have free license but the back tax commissioner charged license, therefore relief will be asked of the next Legislature of Alabama to reimburse the camp for the money paid for license.

D. M. Scott,  
Commander.

State of Alabama, }  
 Dallas County. }

Before me, J. L. Bishop, a notary public in and for Dallas county, Alabama, personally appeared Floyd S. Kincey, who being by me first duly sworn doth depose and say that he is the editor of the Selma Journal, a newspaper published in Selma, Dallas county, Alabama, and that the hereto attached notice for the relief of Camp Jones, Number 317, United Confederate Veterans, of Selma, Alabama, was published in the said Selma Journal, said newspaper published as aforesaid, once a week for four successive weeks prior to the 17th day of January, 1919.

F. S. Kincey.

Sworn and subscribed to before me this the 18th day of January, 1919.  
 (Seal.)

J. L. Bishop,

Notary Public for Dallas County, Alabama.

H. 97. To repeal "An act to create a court to be known and called the inferior criminal court of Madison county to provide that the judge of the inferior court of Huntsville shall be ex officio the judge of said court, and the clerk of the circuit court of Madison county, be ex-officio clerk of said court; that the solicitor of said county, if there be one, or the circuit solicitor or his deputy, shall represent the State in said court; that causes be appealed from said court to the Supreme or Appellate Court. Providing that the compensation of the judge, clerk and solicitor for the performance of their duties under this act, and to regulate the practice and procedure in and jurisdiction of said court, providing that all indictments for misdemeanors found in the circuit, except for violation of the liquor laws shall be transferred to this court," approved September 16th, 1915; and to provide for the disposition of the papers, files, books and records of said inferior criminal court of Madison county.

With notice and proof attached hereto, and exhibited as follows:

#### NOTICE

Is hereby given that application will be made to the Legislature of Alabama at its next session for the passage of an act in substance as follows:

A bill to be entitled an act to repeal "An act to create a court to be known and called the inferior criminal court of Madison county, to provide that the judge of the inferior court of Huntsville shall be ex officio the judge of said court, and the clerk of the circuit court of Madison county, be ex officio clerk of said court; that the solicitor of said county if there be one, or the circuit solicitor or his deputy, shall represent the State in said court; that causes be appealed from said court to the Supreme or Appellate Court. Providing that the compensation of the judge, clerk and solicitor for the performance of their duties under this act, and to regulate the practice and procedure in and jurisdiction of said court, providing that all indictments for misdemeanors found in the circuit except for violation of the liquor laws shall be transferred to this court." Approved September 16th, 1915. And to provide for

the disposition of the papers, files, books and records of said inferior criminal court of Madison county.

Sec. 1. Be it enacted by the Legislature of Alabama: That the act approved September 16th, 1915, entitled "An act to create a court to be known and called the inferior criminal court of Madison county, to provide that the judge of the inferior court of Huntsville shall be ex officio the judge of said court, and the clerk of the circuit court of Madison county be the ex officio clerk of said court; that the solicitor of said county, if there be one, or the circuit solicitor or his deputy, shall represent the State in said court; that causes be appealed from said court to the Supreme or Appellate Court. Providing that the compensation of the judge, clerk and solicitor for the performance of their duties under this act, and to ~~regulate the practice and procedure in and the jurisdiction of said court,~~ providing that all indictments for misdemeanors found in the circuit ~~except~~ for violation of liquor laws shall be transferred to this court," be and the same is hereby repealed.

Sec. 2. That all the papers, books, files and records of every kind belonging to, or on file in said inferior criminal court of Madison county be and the same are hereby transferred to, and shall become a part of the papers, files, books and records of the circuit court of Madison county, are hereby transferred into the circuit court of Madison county, and shall proceed to final judgment therein, as though they had begun in the circuit court of Madison county in the first instance.

3. This act shall take effect upon its approval by the governor.

State of Alabama, }  
Madison County. }

Before me, Robert C. Brickell, one of the judges of the eighth judicial circuit, personally appeared P. O. Aiken, who being by me first duly sworn says that he is the business manager of the Huntsville Mercury, a newspaper published in the city of Huntsville, county of Madison, State of Alabama, and that the foregoing notice of intention to apply for the passage of a local law by the Legislature of Alabama, was published without costs to the State of Alabama, in the Huntsville Mercury once a week for four consecutive weeks beginning on the 10th day of December, 1918, and ending on the 31st day of December, 1918.

P. O. Aiken.

Sworn to and subscribed before me this 11th day of January, 1919.

Robert C. Brickell,  
Circuit Judge.

H. 129. To authorize the court of county commissioners of Crenshaw county to pay out of the general fund of the county for publishing notices as provided by section 106 of the Constitution of Alabama, of the proposed introduction in the Legislature of any local law, whenever the proposed law is for the common good of the people of Crenshaw county.

With notice and proof attached hereto, and exhibited as follows:

#### NOTICE.

Notice is hereby given that at the coming session of the Legislature the following bill will be introduced for passage and enactment into law:

## A BILL

To be entitled an act to authorize the court of county commissioners of Crenshaw county to pay out of the general fund of the county, for publishing notices as provided by section 106 of the Constitution of Alabama, of the proposed introduction in the Legislature of any local law, whenever the proposed law is for the common good of the people of Crenshaw county.

Be it enacted by the Legislature of Alabama:

Section 1. That from and after the passage of this act, the court of county commissioners of Crenshaw county are hereby authorized to pay out of the general fund of the county at the regular legal rate therefor for publishing all notices of the proposed introduction in the Legislature of Alabama of any local law for Crenshaw county, as provided by section 106 of the Constitution of Alabama, whenever the said law proposed is for the common good of the people of the county.

Section 2. All bills for publishing notices under this act must be itemized, verified by affidavit of the publisher and filed with the court of county commissioners for allowance and the court of county commissioners shall be the exclusive judges of whether or not the law proposed is for the common good of the people of the county.

W. H. Stoddard,  
Representative for Crenshaw County.

December 5, 1918.

## AFFIDAVIT OF PUBLICATION.

I, C. L. Kettler, publisher of the Crenshaw County News, a newspaper published weekly at Luverne, Crenshaw county, Alabama, do solemnly swear that a copy of the above notice, as per clipping attached, was published once a week in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated December 12, 1918, and ending with the issue dated January 2nd, 1919.

C. F. Kettler.

Subscribed and sworn to before me this 11th day of January, 1919.

John F. Walker,  
Judge of Probate.

H. 127. To empower and direct the court of county commissioners, or board of revenue of Coffee county, to pay for the publication of notices of intention to apply for certain local laws applicable to entire county and when published by authority of member of Legislature of said county.

With notice and proof attached hereto, and exhibited as follows:

## NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of 1919 session providing that the county commissioners or board of revenue shall be empowered to pay the legal cost of publication of notice of intention to apply for local laws of Coffee county, at the present (1919) session or any future session, when the notice is published by authority of a

member of the Legislature of said county or senatorial district and when the law applies to the whole county.

This December 9, 1918.

J. A. Carnley.

State of Alabama, }  
Coffee County. }

Before me, Fred Folsom, N. P. in and for said State and county, personally appeared R. C. Bryan, who being sworn says on oath that he is editor and publisher of the Elba Clipper, a newspaper published at Elba, Coffee county, Alabama, and that the hereto attached notice was published in said newspaper once a week for four consecutive weeks the first insertion being in issue dated December 10th, 1918, and the last in issue dated December 31st, 1918.

R. C. Bryan.

Sworn to and subscribed before me this 13th day of January, 1919.

Fred Folsom,

Notary Public in and for said State and County.

H. 101. To repeal an act entitled an act to provide a more efficient system for opening, building, changing, constructing and working the public roads of Pickens county, etc., approved September 18th, 1915.

With notice and proof attached hereto and exhibited as follows:

#### NOTICE.

A bill will be introduced for passage in the next session of the Legislature of Alabama, substantially as follows:

Be it enacted by the Legislature of Alabama, That an act entitled an act to provide a system for opening, building, changing, constructing and working the public roads of Pickens county, approved September 18th, 1915, be and the same is hereby repealed.

State of Alabama, }  
Pickens County. }

Personally appeared before me, M. B. Curry, a notary public in and for said State and county, Ben I. Rapport, who being duly sworn doth depose and say that he is the editor and business manager of the Pickens County Herald and West Alabamian, a newspaper published in said State and county, and that the foregoing notice was duly published in said paper for four consecutive weeks prior to this date.

Ben I. Rapport,

Editor.

Sworn to and subscribed before me this the 11th day of January, 1919.

Notary Public.

H. 46. To authorize municipalities of the State to make contracts and agreements with other cities of the State for the inspection of dairies, milk, meats, and other food products.

Also:

H. 43. To regulate the sale and offering for sale of fertilizers and fertilizer materials, to require same to be plainly tagged and marked as to the chemical elements thereof and the source.

of the same, and to provide a penalty for the violation thereof.

Also:

H. 120. To prohibit the running at large of animals of the cow kind which are not branded or marked; prescribing a penalty for the violation thereof.

Also:

H. 103. To amend section 878 of the Code of Alabama as amended by the act of September 25th, 1915—relating to "The Alabama insane hospitals."

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees, as follows:

H. 131. To the Committee on Finance and Taxation.

H. 97, H. 129, H. 127, H. 101. To the Committee on Local Legislation.

H. 46, H. 103. To the Committee on Municipalities and Municipal Organizations.

H. 43, H. 120. To the Committee on Agriculture.

#### BILL RETURNED AND RE-REFERRED.

Mr. Rogers of Sumter, chairman of the Standing Committee on Commerce and Common Carriers, returned to the Senate, without recommendation, the bill:

S. 78. To permit newspaper editors to accept free transportation from railroads in exchange for space and advertisements in their papers, and to permit the free use of such railroad transportation on railroads in Alabama by the editors holding the same.

Mc. McDowell moved that said bill be re-referred to the Standing Committee on Judiciary, which motion prevailed, and the President of the Senate re-referred said bill to the Standing Committee on Judiciary.

#### REPORT FROM COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Griffith, chairman of the Standing Committee on Revision of the Journal, reported that said committee, in session, had examined the Journal of the Senate for the ninth and tenth legislative days of the session, and find same contains the proper

entries in reference to each bill and resolution contained therein as required by the Constitution.

A. A. Griffith,  
Chairman.

COMMITTEE REPORT.

On motion of Mr. Griffith, the foregoing report from the Committee on Revision of the Journal was adopted and the Journals of the ninth and tenth legislative days of the session were approved by the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted:

S. J. R. 28. Relative to Hon. Borden Burr, of Birmingham, addressing the two houses.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

REPORT FROM RULES COMMITTEE.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following joint resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 18. Relative to urging the farmers to hold their cotton.

Also, favorably:

H. J. R. 27. Relative to the return of the railroads and other public utilities operated by the government to their owners.

And on motion of Mr. Acker said report was concurred in, and said resolutions, under a suspension of the rules, were adopted by the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has adopted:

S. J. R. 29. Relative to memorializing Congress of the United States to provide legislation for paying discharged soldiers and sailors for six months after their release from the service.

And returns same herewith to the Senate. •

Fred H. Gormley,  
Clerk.



## HOUSE MESSAGE.

On motion of Mr. Rogers of Sumter the Senate concurred in the following amendment by the House to Senate joint resolution No. 29, the title of which is set out in the foregoing message from the House, to-wit:

Amend resolution by striking out section 2.

## REPORT FROM COMMITTEE OF ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills, beg leave to report, that said committee, in session have examined and compared the following engrossed bills with the originals and find same correctly engrossed, to-wit:

S. 36. To confirm the sales of real estate made in this State under and by power of sale contained in mortgages, where the real estate was sold as a whole, and not in separate pieces.

S. 38. "To authorize the making, nunc pro tunc, and entering of record in the probate court of necessary orders in proceedings to sell real estate, omitted by inadvertence, neglect, death, resignation or removal of the probate judge; to provide the procedure in obtaining same, and to define the effect thereof."

S. 40. To amend section 6168 of the Code of Alabama of 1907.

S. 56. To regulate in part the time of trial of criminal cases.

S. 60. To declare all State lands, whether held in fee or in trust by the State, forest reserves and game refuges; to prohibit the cutting of any tree or timber thereon, or setting fire to any inflammable substance growing on the same; to make it unlawful for any person to hunt, trap, net or otherwise kill or take any of the protected wild animals or resident birds thereon; to provide penalties for the violation of the provisions of this act, and to provide procedure in all cases where the State's right or title to such lands is brought into question or interposed as defense by any person on trial for violation of this act.

S. 61. To provide for the better enforcement of the game and fish laws; to provide for the appointment of deputy game and fish wardens in the several counties of this State and to prescribe their duties.

S. 62. To change the date of the expiration of hunters' licenses from December 31st each year to September 30th each year and to permit all persons to whom hunters' licenses have been issued for the calendar year 1919 to exchange such licenses during the month of September, 1919, for hunters' licenses expiring September 30, 1920, upon the surrender of the hunters' li-

censes issued to them for the calendar year 1919, and allowing them a credit in the amount of one-fourth of the purchase price of such licenses.

S. 65. To protect wild fur-bearing animals; to provide a season during which they may be legally trapped or taken; to provide a license for those engaged in trapping wild fur-bearing animals; and to provide penalties for the violation of this act.

S. 66. To amend an act approved September 15th, 1915, entitled, "An act to require all county solicitors, all circuit solicitors, any solicitors of any court of record to give opinions to all county officials in all matters connected with their offices, except in suits against official bonds."

S. 91. To authorize the court of county commissioners to establish private roads and to provide for their upkeep and payment of damages to landowners over whose land road passes.

S. 92. To declare and abate nuisances defined in the act, and to prescribe procedure, remedies, punishments and penalties.

S. 93. To exempt from taxation bonds of the United States known as liberty bonds and war savings stamps, and to authorize the deduction of the value of such bonds and war savings stamps when held by a corporation in fixing the value of shares of such corporation for taxation."

S. 94. To authorize the governor to make a temporary appointment to fill a vacancy in the office of senator from the State of Alabama in the Senate of the United States.

S. 103. To revoke conditional and contingent appropriations heretofore made by the Legislature (except appropriations for the payment of pensions to Confederate Veterans and appropriations for the support of public schools made by act approved April 18, 1911) insofar as they remain unpaid at the time of the passage of this act, and to repeal such existing appropriation acts insofar as the appropriations respectively remain unpaid.

R. B. Evins,  
Chairman.

#### BILLS ON THIRD READING.

The bill:

S. 96. To amend section twelve of an act to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same; and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties.

Was read a third time at length and passed.

Yeas, 21; nays, 4.

*Yeas:*

Messrs:

Acker	Espy	Moore	Rogers (Sumter)
Baker	Evins	McDowell	Sims
Beale	Griffith	Norwood	Smith (Lawrence)
Bedsole	Harper	Phillips	Tally
Butler	Kelly	Prestwood	West
Craft			

—21

*Nays:*

Messrs:

Briscoe	Leith	Morris	Smith (Coosa)
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—4

The bill:

S. 47. To amend section 2047 of the Code of Alabama, 1907.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 0.

*Yeas:*

Messrs:

Acker	Butler	Huddleston	Phillips
Baker	Craft	Leith	Prestwood
Beale	Ellis	Moore	Smith (Coosa)
Bedsole	Espy	Morris	Smith (Lawrence)
Briscoe	Evins	McDowell	Tally
Brown	Harper	Norwood	West

—24

*Nays:*—None.

The bill:

S. 43. To amend section 4747 of the Civil Code of Alabama.

Was taken up.

Mr. Baker offered the following substitute for said bill, to-wit:

A bill to be entitled an act to amend section 4747 of the Civil Code of Alabama.

Be it enacted by the Legislature of Alabama, That section 4747 of the Civil Code of Alabama of 1907 be, and the same is hereby, amended to read as follows:

4747. (2716) (3069) Lien declared.—The landlord of any store house, dwelling house, or other building shall have a lien on the goods, furniture and effects belonging to the tenant and sub-tenant for his rent, which shall be superior to all other liens, except those for taxes; provided, that in case a tenant or sub-tenant holding under a lease is adjudged a bankrupt by a court of competent jurisdiction, such lien shall attach only for rent

for a period of six months after such adjudication, but in no case for a period greater than the term of the lease.

Which was adopted.

Yeas, 26; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Leith	Prestwood
Baker	Ellis	Moore	Sims
Beale	Espy	Morris	Smith (Coosa)
Bedsole	Evins	McDowell	Smith (Lawrence)
Briscoe	Griffith	Norwood	Tally
Brown	Harper	Phillips	West
Butler	Kelly		

—26

*Nays:*—None.

The Standing Committee on Revision of Laws offered the following amendment to said bill, to-wit: Amend so as to read as follows:

“A term of twelve months after such adjudication.”

Which was, on motion of Mr. Baker, laid on the table.

And sail bill, as thus amended, was read a third time at length and passed.

Yeas, 25; nays, 0.

*Yeas:*

Messrs:

Acker	Ellis	Leith	Prestwood
Baker	Espy	Moore	Sims
Beale	Evins	Morris	Smith (Coosa)
Bedsole	Griffith	McDowell	Smith (Lawrence)
Brown	Harper	Norwood	Tally
Butler	Kelly	Phillips	West
Craft			

—25

*Nays:*—None.

The bill:

H. 65. To amend section 2047 of the Code of Alabama, 1907.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

*Yeas:*

Messrs:

Acker	Butler	Moore	Prestwood
Baker	Espy	Morris	Sims
Beale	Evins	McDowell	Smith (Coosa)
Bedsole	Harper	Norwood	Smith (Lawrence)
Briscoe	Huddleston	Phillips	Tally
Brown	Leith		

—22

*Nays:*—None.

The bill:

S. 100. To provide for the payment of fees, charges and commissions of county officers, and fines and forfeitures into the general fund of the county, in counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Baker	Ellis	Morris	Sims
Beale	Evins	McDowell	Smith (Coosa)
Bedsole	Harper	Norwood	Smith (Lawrence)
Brown	Huddleston	Phillips	Tally
Butler	Leith	Prestwood	West
Craft	Moore	Rogers (Lauderdale)	

—23

Nays:—None.

The bill:

S. 99. To provide for the payment and retirement of claims against the fine and forfeiture fund in counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Acker	Craft	Moore	Rogers (Lauderdale)
Baker	Ellis	Morris	Sims
Beale	Evins	McDowell	Smith (Coosa)
Briscoe	Harper	Norwood	Smith (Lawrence)
Brown	Huddleston	Prestwood	Tally
Butler	Leith		

—22

Nays:—None.

The bill:

S. 54. To prohibit the erection and maintenance of advertising signs resembling railroad crossing signs, on the public highways, and on private property within one hundred feet of the right-of-way of a public road, and to provide penalties for the violation of the provision of this act.

Was read a third time at length and passed.

Yeas, 23; nays, 1.

*Yeas:*

Messrs:

Acker	Evins	Moore	Rogers (Lauderdale)
Baker	Griffith	Morris	Sims
Beale	Gunter	McDowell	Smith (Coosa)
Briscoe	Harper	Norwood	Tally
Butler	Kelly	Phillips	West
Ellis	Leith	Prestwood	

—23

*Nays:*

Mr. Bedsole—1.

The bill:

H. 28. To require the board of revenue of all counties of 82,000 population, and not more than 100,000 population, according to the last Federal census, to pay out of the general fund of such counties to the sheriffs of such counties, a salary of \$4,000.00 per annum net, to allow and pay out of the general fund of such counties, the sum of \$1,500.00 per annum for the chief clerk in the office of the sheriffs of such counties, \$1,800.00 per annum for the chief deputy in the office of such sheriffs, \$2,400.00 per annum for two deputies in the office of such sheriffs and \$1,000.00 to the sheriffs of such counties for extra assistance in their said offices.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

*Yeas:*

Messrs:

Acker	Ellis	Moore	Rogers (Lauderdale)
Baker	Griffith	Morris	Sims
Beale	Gunter	McDowell	Smith (Coosa)
Bedsole	Harper	Norwood	Smith (Lawrence)
Briscoe	Huddleston	Phillips	Tally
Brown	Kelly	Prestwood	West
Butler	Leith		

—26

*Nays:*—None.

#### BILL INDEFINITELY POSTPONED.

On motion of Mr. Gunter, the further consideration of:

S. 48. To fix the compensation to be paid by the county to sheriffs, deputy sheriffs and sheriffs' clerks in counties having a population exceeding eighty-two thousand (82,000) and not more than one hundred thousand (100,000) according to the last Federal census or any subsequent Federal census and to provide for the payment of the same out of the general fund of such counties.

Was indefinitely postponed by the Senate.

## LEAVE OF ABSENCE.

On motion of Mr. Tally, leave of absence was granted Mr. Nance for today.

## MOTION RELATIVE TO ADJOURNMENT.

Mr. Brown moved that the Senate remain in session until 1:30 P. M., today and that when adjournment is had at that time, it be until Monday, February 3rd, 1919, at 2 P. M., which motion prevailed.

## BILLS ON THIRD READING RESUMED.

The bill:

S. 123. To create a county highway commission for Walker county, Alabama, and to define the powers and duties thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Acker	Ellis	Leith	Prestwood
Baker	Evins	Moore	Sims
Beale	Griffith	Morris	Smith (Coosa)
Bedsole	Gunter	Norwood	Tally
Briscoe	Harper	Phillips	West
Brown	Kelly		

—22

Nays:—None.

The bill:

H. 135. To confer additional duties and powers upon the court of county commissioners of Escambia county to enable said court to better provide for the maintenance and construction of the public roads and bridges in said county.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Acker	Evins	Moore	Rogers (Lauderdale)
Baker	Griffith	Morris	Sims
Beale	Gunter	McDowell	Smith (Coosa)
Bedsole	Harper	Norwood	Smith (Lawrence)
Brown	Kelly	Phillips	Tally
Butler	Leith	Prestwood	West
Ellis			

—25

Nays:—None.

The bill:

H. 60. To prohibit the court of county commissioners of Geneva county, Alabama, from making any payment or donation to any farm demonstrator or person performing the duties of farm demonstrator in Geneva county, Alabama.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Acker	Evins	Moore	Prestwood
Baker	Griffith	Morris	Sims
Beale	Gunter	McDowell	Smith (Coosa)
Bedsole	Harper	Norwood	Tally
Briscoe	Kelly	Phillips	West
Ellis	Leith		

—22

Nays:—None.

The bill:

S. 104. To amend section 7881 of the Code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Acker	Ellis	Leith	Prestwood
Baker	Evins	Morris	Rogers (Lauderdale)
Beale	Gunter	McDowell	Smith (Coosa)
Bedsole	Harper	Norwood	Tally
Briscoe	Huddleston	Phillips	West
Brown	Kelly		

—22

Nays:—None.

The bill:

S. 102. To provide for the consolidation of corporations not of a business character.

Was taken up.

Mr. Acker offered the following amendment to said bill, to-wit:

Amend by striking out the words: "the same" in section 1 of the bill, and by inserting the word "similar" in lieu thereof.

Which was adopted.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Acker	Beale	Brown	Ellis
Baker	Bedsole	Butler	Evins



Griffith	Leith	Norwood	Smith (Coosa)
Gunter	Moore	Phillips	Tally
Harper	Morris	Prestwood	West
Kelly	McDowell	Sims	—23

*Nays*:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; nays, 0.

<i>Yeas</i> :			
Messrs:			
Acker	Ellis	Leith	Prestwood
Baker	Evins	Moore	Rogers (Lauderdale)
Beale	Griffith	Morris	Sims
Bedsole	Gunter	McDowell	Smith (Coosa)
Butler	Harper	Norwood	Tally
Cowan	Kelly	Phillips	West
			—24

*Nays*:—None.

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills, beg leave to report that said committee, in session, have compared the following resolution with the engrossed and original resolution, and find same correctly enrolled, to-wit:

S. J. R. 29. Whereas, the soldiers and sailors in the service of their country will be, when discharged, at a great disadvantage in competing for a livelihood with civilians who remained at home and were therefore enabled to profit by the war.

C. S. McDowell,  
Chairman.

#### SIGNING OF RESOLUTION.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following joint resolution:

Whereas, the soldiers and sailors in the service of their country will be, when discharged, at a great disadvantage in competing for a livelihood with civilians who remained at home and were therefore enabled to profit by the war.

## MESSAGE FROM THE HOUSE.

Mr. President :

The House has amended S. J. R. 33 and as amended has concurred in and adopted:

S. J. R. 33. Relative to the preservation of the 167th Regiment, United States Infantry.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## HOUSE MESSAGE.

On motion of Mr. Ellis, the Senate concurred in the following amendment by the House to Senate joint resolution 33, the title of which is set out in the foregoing message from the House, to-wit:

Amend by adding the following at the end thereof:

That copies of this resolution be forwarded to each United States senator and representative in Congress from Alabama.

## MESSAGE FROM THE HOUSE.

Mr. President :

The House has originated and passed the following House joint resolution:

By Mr. Benners:

H. J. R. 33. Resolved by the House, the Senate concurring, That a joint committee of the two houses consisting of the representatives and senator from Jefferson county be raised to sit during the recess to consider and report appropriate legislation dealing with the salaries of county officials of Jefferson county and the compensation of their employees and the allowances to be paid out of the county treasury for the expenses of such officials; also with reference to the cost and results of working convicts on the public roads of said county and any other matters of local legislation relating to said county and its affairs.

That said committee shall have the power to summon and compel the attendance of witnesses and to require the production of books and papers.

The services of such committee shall be without expense to the State.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## HOUSE MESSAGE.

The House joint resolution No. 33, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House joint resolution, your signature thereto is requested:

H. J. R. 18. Relative to urging the Southern farmers to hold to their cotton until the present bear movement is broken and a fair price for cotton can be obtained.

Also:

H. J. R. 27. Relative to the return to their owners, of railroad and other public utilities, by the government.

Fred H. Gormley,  
Clerk.

## SIGNING OF JOINT RESOLUTIONS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following joint resolutions:

H. J. R. 18. Relative to urging the Southern farmers to hold to their cotton until the present bear movement is broken and a fair price for cotton can be obtained.

Also:

H. J. R. 27. Relative to the return to their owners of railroads and other public utilities, by the government.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 27. To establish the court of county commissioners for Covington county, Alabama, to provide for the election of its members and fix their duties and compensation, to fix the duties and jurisdiction of the court, to divide the county into commissioner's districts, and to abolish the board of revenue of said county.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Dickson:

H. J. R. 36. Whereas, the great war that has devastated a large part of the continent of Europe has turned the eyes of the restless peoples of the world towards the peaceful shores of the United States; and,

Whereas, the tide of immigration caused by the discontent of these peoples with the conditions under which they live would overwhelm this country with an undesired and undesirable foreign population, to the injury of Americans and their cherished institutions; therefore,

Be it resolved, by the House of Representatives of the State of Alabama, the Senate concurring, That the laws of the country designed to protect our citizens from this immigration should be strengthened and enforced; particularly as those laws apply to those peoples with which the United States is and has been at war.

Resolved, further, That a copy of these resolutions be sent to the senators and representatives of this State in the Congress of the United States.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## HOUSE MESSAGE.

House joint resolution No. 36, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

## ADJOURNMENT.

At 1:15 P. M., on motion of Mr. Baker, and in pursuance of motion of Mr. Brown heretofore adopted, the Senate adjourned until 2 o'clock P. M., Monday, February 3rd, 1919.

## TWELFTH DAY.

Monday, February 3rd, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller, presiding.

## PRAYER.

By Rev. Dr. Childs, of Montgomery.

## ROLL CALL.

Mr. President and

Messrs:

Acker	Craft	Leith	Prestwood
Baker	Ellis	Miller	Rogers (Lauderdale)
Beale	Espy	Moore	Rogers (Sumter)
Bedsole	Griffith	Morris	Sims
Briscoe	Gunter	McDowell	Smith (Coosa)
Brown	Harper	Norwood	Tally
Butler	Huddleston	Phillips	West
Cowan	Kelly		

—30

## JOURNAL.

On motion of Mr. Morris, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## LEAVES OF ABSENCE.

On motion of Mr. Bedsole, Mr. Smith of Lawrence was granted leave of absence for today and tomorrow.

On motion of Mr. Tally, leave of absence was granted Mr. Nance for today.

## PRIVILEGES OF THE FLOOR.

On motion of Mr. Sims, the privileges of the floor were extended to Hon. Borden Burr, of Birmingham, for today.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. West:

S. 150. To exempt funeral directors, undertakers and embalmers from jury duty in the State of Alabama.

Revision of Laws.

By Mr. McDowell:

S. 151. To amend section two of an act "To regulate the practice of veterinary medicine and surgery in the State of Alabama, and establish a veterinary medical examining board," approved March 17, 1915.

Agriculture.

By Mr. McDowell:

S. 152. To provide for the clerk of the circuit court of Barbour county to be ex-officio clerk of the county court of Barbour county, to provide the compensation for his services, and to provide for the services of the sheriff of Barbour county in the county court, and to fix the compensation for his services in said court. Judiciary.

With notice and proof attached and herewith exhibited as follows:

#### NOTICE.

It is the intention of the undersigned to have introduced in the Legislature of Alabama that convenes in January, A. D., 1919, the following bill:

#### AN ACT

To be entitled an act to provide for the clerk of the circuit court of Barbour county to be ex-officio clerk of the county court of Barbour county, to provide the compensation for his services, and to provide for the services of the sheriff of Barbour county in the county court, and to fix the compensation for his services in said court.

Be it enacted by the Legislature of Alabama:

Section 1. That the clerk of the circuit court of Barbour county, shall be ex-officio clerk of the county court of Barbour county, and he shall do and perform all duties and services usually performed by county court clerks. He shall receive for his services the same fees as are provided by law for similar cases in the circuit court to be taxed as cost in each case.

Section 2. The sheriff of Barbour county shall act in all cases required of him in the county court of Barbour county, and shall receive for his services the same fees as is provided by law for similar services in the circuit court, to be taxed as cost in each case.

Section 3. When the cost is not paid in cash, certificates shall issue in all cases to the clerk and sheriff by the presiding judge, against the fine and forfeiture fund of Barbour county, for services performed in the county court, which shall have the same force and effect as other certificates against the fine and forfeiture fund as is now provided by and held by the clerk and sheriff out of the circuit court of Barbour county.

B. C. Cox,  
J. B. Lassiter.

The State of Alabama, }  
Barbour County. }

Before me, the undersigned authority in and for said State and county, personally appeared T. G. Wilkinson, who upon oath, says he is the editor of the Eufaula Times and News, a newspaper published at Eufaula, Barbour county, Alabama, and affiant has personal knowledge of the facts and truth of all the statements in this affidavit, and affiant further says on oath, that the notice of the proposed bill, a copy of which is hereby attached was inserted, published and appeared in said Eufaula Times and News once a week for four consecutive weeks, in the issue of said paper on December 26th, 1918, and the 5th, 10th and 17th of January, 1919.

Thos. G. Wilkinson,  
Editor and Publisher of Eufaula Times and News.

Sworn to and subscribed before me this 1st day of February, 1919.

Charles McDowell, Jr.,  
Notary Public.

By Mr. Baker:

S. 153. To provide for appeals, and the suspension of the execution of sentence, in criminal cases tried in municipal courts.  
Judiciary.

By Mr. Smith of Coosa:

S. 154. To amend act number 411, approved September 10th, 1915, entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained.

Public Roads and Highways.

#### REPORTS OF COMMITTEES.

Mr. West, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 143. To create the office of assistant clerk of the inferior criminal court of Mobile county, prescribe his or her duties, fix his or her salary and provide for the method of selection for said office.

By Mr. Stoddard:

H. 129. To authorize the court of county commissioners of Crenshaw county to pay out of general fund of the county for publishing notices as provided by section 106 of the Constitution of Alabama, of the proposed introduction in the Legislature of any local law, whenever the proposed law is for the common good of the people of Crenshaw county.

By Mr. Collins:

H. 101. To repeal an act entitled an act to provide a more efficient system for opening, building, changing, constructing and working the public roads of Pickens county, etc., approved September 18th, 1915.

By Mr. Green:

H. 132. For the relief of J. H. Berry.

By Mr. Fletcher:

H. 97. To repeal "An act to create a court to be known and called the inferior criminal court of Madison county, to provide that the judge of the inferior court of Huntsville shall be ex-officio the judge of said court, and the clerk of the circuit court of Madison county, be ex-officio clerk of said court; that the solicitor of said county, if there be one, or the circuit solicitor

or his deputy, shall represent the State in said court; that causes be appealed from said court to the Supreme or Appellate Court; providing that the compensation of the judge, clerk and solicitor for the performance of their duties under this act, and to regulate the practice and procedure in and jurisdiction of said court, providing that all indictments for misdemeanors found in the circuit, except for violation of the liquor laws shall be transferred to this court." Approved September 16th, 1915; and to provide for the disposition of the papers, files, books and records of said inferior criminal court of Madison county.

Mr. Butler, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Partridge:

H. 114. To repeal an act entitled, "An act to regulate the charging of fees and furnishing of information within the several departments of the State, and to provide for the covering into the State treasury of such fees," approved September 29, 1915.

Mr. Brown, chairman of the Standing Committee on Municipalities and Municipal Organization, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Van de Graff:

H. 103. To amend section 878 of the Code of Alabama as amended by the act of September 25th, 1915—relating to "The Alabama insane hospitals."

#### REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills beg leave to report that said committee, in session, have examined and compared the following engrossed bills with the originals and find same correctly engrossed, to-wit:

S. 43. To amend section 4747 of the Civil Code of Alabama.

S. 54. To prohibit the erection and maintenance of advertising signs resembling railroad crossing signs, on the public highways, and on private property within one hundred feet of the right-of-way of a public road, and to provide penalties for the violation of the provisions of this act.



S. 96. To amend section twelve of an act to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same; and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties.

S. 99. To provide for the payment and retirement of claims against the fine and forfeiture fund in counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

S. 100. To provide for the payment of fees, charges and commissions of county officers, and fines and forfeitures into the general fund of the county, in counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

S. 102. To provide for the consolidation of corporations not of a business character.

S. 104. To amend section 7881 of the Code of Alabama of 1907.

R. B. Evins,  
Chairman.

#### RESOLUTION AND SPECIAL ORDER SET.

Mr. Prestwood offered the following Senate resolution:

S. R. 34. Be it resolved by the Senate, That Senate bill No. 53 be made a special, paramount, continuing order for 12:00 o'clock, noon, on the fifteenth legislative day of the present session of the Senate.

Mr. Acker moved that the rules be suspended and said resolution adopted, which motion prevailed, and the rules were suspended, said resolution adopted, and said bill, S. 53, made a special, paramount, continuing order for 12:00 o'clock, noon, the fifteenth legislative day of the present session.

#### BILL REPORTED AND RE-REFERRED.

Mr. Acker, acting chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, to-wit:

H. 126. To abolish the county court of Coffee county, and the offices pertaining thereto.

Mr. Baker moved that said bill be re-referred to the Standing Committee on Local Legislation, which motion prevailed, and the President of the Senate thereupon re-referred said bill to the Standing Committee on Local Legislation.

BILLS ON THIRD READING.

The bill:

S. 101. To create a State board of control and economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing the said board.

Was taken up.

Mr. Acker offered the following amendment to said bill, to-wit:

Amend section 1 so as to read as follows:

Section 1. That there be and is hereby established a State board of control and economy, consisting of three members, one to be chairman and the other associate members, to be appointed by the governor. One of the associate members shall be designated by the governor as secretary of the board. The members of the board shall hold office at the will of the governor and be subject to removal by him in his discretion when in his opinion the public good requires it; and if not sooner removed the holding of the position as chairman shall terminate at the end of four years from date of appointment and if any one of the associate members is not sooner removed the holding of his position shall terminate at the end of two years from the date of appointment. In case of removal by the governor or the termination of the holding of any of said members by lapse of time, the governor shall appoint another chairman, associate member or members as the case may require, each of whom shall hold the office to which he is appointed subject to the same power of removal in the governor, and the governor on naming successors hereafter to fill any vacancy occurring by lapse of time, or by removal of the governor, may prescribe the time the holding may continue under said appointment and when it shall terminate by lapse of time if there be not an earlier removal by him in his discretion. The chairman of the board shall receive as compensation for his services at the rate of \$500.00 per month for the time that he actually holds his position and the associate members shall receive compensation for their services at the rate of \$333.33 per month for the time actually served.

Which was adopted.

Yeas, 27; nays, 0.

*Yeas:*

## Messrs:

Acker	Cowan	Miller	Rogers (Lauderdale)
Baker	Craft	Moore	Rogers (Sumter)
Beale	Ellis	Morris	Sims
Bedsale	Espy	McDowell	Smith (Coosa)
Briscoe	Griffith	Norwood	Tally
Brown	Harper	Phillips	West
Butler	Kelly	Prestwood	

—27

*Nays:*—None.

Mr. Acker also offered the following amendment to said bill, to-wit:

Amend section 2 to read as follows:

Section 2. That each member of the board shall give bond in the sum of \$25,000.00, payable to the State of Alabama conditioned to faithfully perform his official duties and to faithfully account for all monies and properties coming into his hands by virtue of his office. The bond shall be signed by an authorized surety company and the bond must be approved by the governor. The premium on the bond shall be paid by the State. Each member of the board shall devote his whole time to his official duties and shall hold no other lucrative office while a member of the board of control.

Which was adopted.

Yeas, 27; nays, 0.

*Yeas:*

## Messrs:

Acker	Cowan	Miller	Rogers (Lauderdale)
Baker	Craft	Moore	Rogers (Sumter)
Beale	Ellis	Morris	Sims
Bedsale	Espy	McDowell	Smith (Coosa)
Briscoe	Griffith	Norwood	Tally
Brown	Harper	Phillips	West
Butler	Kelly	Prestwood	

—27

*Nays:*—None.

Mr. Acker also offered the following amendment to said bill, to-wit:

Amend section 6 by adding at the end the following paragraph:

"The premiums on the bonds of employees of any institution shall be paid by the institution by which they are employed, and the premium on the bonds of employees of the board shall be paid by the State."

Which was adopted.

Yeas, 28; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Kelly	Prestwood
Baker	Craft	Miller	Rogers (Lauderdale)
Beale	Espy	Moore	Rogers (Sumter)
Bedsole	Griffith	Morris	Sims
Briscoe	Gunter	McDowell	Smith (Coosa)
Brown	Harper	Norwood	Tally
Butler	Huddleston	Phillips	West

—28

*Nays:*—None.

Mr. Acker also offered the following amendment to said bill, to-wit:

Amend section 8 so same will read as follows:

Section 8. That before any member, officer, agent or employee of the board, or any officer or employee of any institution under its control, shall be paid any expense account or be reimbursed any money claimed to have been expended in the performance of his duties, a statement showing the items thereof verified by affidavit of the claimant that the expense bill is just, accurate and true and is for cash expenditures actually made, and that the money has been disbursed legally, and that the items claimed were necessary and were actually paid out and disbursed by the party claiming from the State, shall be presented to and approved by the governor and then presented to the State auditor.

Which was adopted.

Yeas, 29; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Kelly	Prestwood
Baker	Ellis	Miller	Rogers (Lauderdale)
Beale	Espy	Moore	Rogers (Sumter)
Bedsole	Griffith	Morris	Sims
Briscoe	Gunter	McDowell	Smith (Coosa)
Brown	Harper	Norwood	Tally
Butler	Huddleston	Phillips	West
Cowan			

—29

*Nays:*—None.

Mr. Acker also offered the following amendment to said bill, to-wit:

Amend section 10 so that it shall read as follows:

Section 10. That the board may, with the approval of the governor, employ necessary clerical assistants for the efficient work of the board, and shall fix the salaries of such assistants.

Which was adopted.  
Yeas, 29; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Kelly	Prestwood
Baker	Ellis	Miller	Rogers (Lauderdale)
Beale	Espy	Moore	Rogers (Sumter)
Bedsale	Griffith	Morris	Sims
Briscoe	Gunter	McDowell	Smith (Coosa)
Brown	Harper	Norwood	Tally
Butler	Huddleston	Phillips	West
Cowan			

—29

*Nays:*—None.

Mr. Acker also offered the following amendment to the bill, to-wit:

Amend section 11 by inserting after the words "money for support" where said words appear in said section, the following words: "to fix the salaries of the superintendents, managers and other employees of such institutions."

Which was adopted.

Yeas, 28; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Huddleston	Prestwood
Baker	Craft	Kelly	Rogers (Lauderdale)
Beale	Ellis	Miller	Rogers (Sumter)
Bedsale	Espy	Moore	Sims
Briscoe	Griffith	McDowell	Smith (Coosa)
Brown	Gunter	Norwood	Tally
Butler	Harper	Phillips	West

—28

*Nays:*—None.

Mr. Acker also offered the following amendment to the bill, to-wit:

Amend section 13 by adding at the end of said section the words: "Provided the said board of control shall make purchases for the several counties of the State only when and only to the extent that it may be authorized to do so by the action of the court of county commissioners, board of revenue or other governing body of the county."

Which was adopted.

Yeas, 29; nays, 0.

*Yeas:*

*Messrs:*

Acker	Craft	Leith	Prestwood
Baker	Ellis	Miller	Rogers (Lauderdale)
Beale	Griffith	Moore	Rogers (Sumter)
Bedsole	Gunter	Morris	Sims
Briscoe	Harper	McDowell	Smith (Coosa)
Brown	Huddleston	Norwood	Tally
Butler	Kelly	Phillips	West
Cowan			

—29

*Nays:*—None.

Mr. Acker also offered the following amendment to the bill, to-wit:

Amend section 14 so as to read as follows:

Section 14. That nothing in this act shall be construed to impair or abridge the right and power of the board of trustees of any strictly educational institution to select its officers and teachers and to fix their salaries and to direct and control the policies of such institution.

Which was adopted.

*Yeas*, 28; *nays*, 1.

*Yeas:*

*Messrs:*

Acker	Cowan	Leith	Prestwood
Baker	Craft	Miller	Rogers (Lauderdale)
Beale	Ellis	Moore	Rogers (Sumter)
Bedsole	Griffith	Morris	Sims
Briscoe	Gunter	McDowell	Smith (Coosa)
Brown	Harper	Norwood	Tally
Butler	Kelly	Phillips	West

—28

*Nays:*—Mr. Huddleston—1.

Mr. Acker also offered the following amendment to the bill, to-wit:

Amend section 16 so that it shall read as follows:

Section 16. That the boards of charitable and eleemosynary institutions within the purview of this act shall select the superintendents, managers and other employees, and perform all other duties not in conflict with this act, but any such superintendent, manager or other employee of any charitable or eleemosynary institution may be removed by the board of control whenever in the opinion of said board, the interest of the institution requires it.

Which was adopted.

*Yeas*, 30; *nays*, 0.

*Yeas:*

Messrs:

Acker	Craft	Leith	Prestwood
Baker	Ellis	Miller	Rogers (Lauderdale)
Beale	Espy	Moore	Rogers (Sumter)
Bedsole	Griffith	Morris	Sims
Briscoe	Gunter	McDowell	Smith (Coosa)
Brown	Harper	Norwood	Tally
Butler	Huddleston	Phillips	West
Cowan	Kelly		

—30

*Nays:*—None.

Mr. McDowell offered the following amendment to said bill, to-wit:

To amend S. 101 by adding the following provision:

The Alabama Polytechnic Institute at Auburn is hereby exempted from the provisions of this act, and any other educational institution in this State, where the trustees are elected under the provisions of the Constitution.

Mr. Bedsole moved to lay the amendment offered by Mr. McDowell on the table, which motion prevailed, and said amendment was laid on the table.

*Yeas, 22; nays, 8.*

*Yeas:*

Messrs:

Acker	Cowan	Kelly	Rogers (Lauderdale)
Beale	Craft	Leith	Rogers (Sumter)
Bedsole	Espy	Miller	Sims
Briscoe	Griffith	Phillips	Smith (Coosa)
Brown	Harper	Prestwood	West
Butler	Huddleston		

—22

*Nays:*

Messrs:

Baker	Gunter	Morris	Norwood
Ellis	Moore	McDowell	Tally

—8

And said bill, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

*Yeas, 25; nays, 3.*

*Yeas:*

Messrs:

Acker	Craft	Kelly	Rogers (Lauderdale)
Beale	Ellis	Miller	Rogers (Sumter)
Bedsole	Espy	Morris	Sims
Briscoe	Griffith	Norwood	Smith (Coosa)
Brown	Gunter	Phillips	Tally
Butler	Harper	Prestwood	West
Cowan			

—25

*Nays:*

Messrs:

Baker

Moore

McDowell

—3

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bill, your signature thereto is requested:

H. 65. To amend section 2047 of the Code of Alabama, 1907.

Fred H. Gormley,  
Clerk.

#### SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following bill:

H. 65. To amend section 2047 of the Code of Alabama, 1907.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bills, your signature thereto is requested:

H. 28. To require the board of revenue of all counties of 82,000 population, and not more than 100,000 population, according to the last Federal census, to pay out of the general fund of such counties to the sheriffs of such counties, a salary of \$4,000.00 per annum net, to allow and pay out of the general fund of such counties, the sum of \$1,500.00 per annum for the chief clerk in the office of the sheriffs of such counties, \$1,800.00 per annum for the chief deputy in the office of such sheriffs, \$2,400.00 per annum for two deputies in the office of such sheriffs and \$1,000.00 to the sheriffs of such counties for extra assistance in their said offices.

Also:

H. 60. To prohibit the court of county commissioners of Geneva county, Alabama, from making any payment or donation to any farm demonstrator or person performing the duties of farm demonstrator in Geneva county, Alabama.

Also:

H. 135. To confer additional duties and powers upon the court of county commissioners of Escambia county to enable said



court to better provide for the maintenance and construction of the public roads and bridges in said county.

Fred H. Gormley,  
Clerk.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

H. 28. To require the board of revenue of all counties of 82,000 population, and not more than 100,000 population, according to the last Federal census to pay out of the general fund of such counties to the sheriffs of such counties, a salary of \$4,000.00 per annum net, to allow and pay out of the general fund of such counties, the sum of \$1,500.00 per annum for the chief clerk in the office of the sheriffs of such counties, \$1,800.00 per annum for the chief deputy in the office of such sheriffs, \$2,400.00 per annum for two deputies in the office of such sheriffs and \$1,000.00 to the sheriffs of such counties for extra assistance in their said offices.

Also:

H. 60. To prohibit the court of county commissioners of Geneva county, Alabama, from making any payment or donation to any farm demonstrator or person performing the duties of farm demonstrator in Geneva county, Alabama.

Also:

H. 135. To confer additional duties and powers upon the court of county commissioners of Escambia county to enable said court to better provide for the maintenance and construction of the public roads and bridges in said county.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills beg leave to report that said committee, in session, have compared the following enrolled bills, with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

S. J. R. 33. Relative to the secretary of war and the general staff of the United States army be memorialized to preserve the individuality and integrity of the 167th Regiment, United States Infantry, composed of Alabamians and that this regiment return

to the capital city of Alabama for demobilization when all preliminaries have been complied with.

S. 27. An act to establish the court of county commissioners for Covington county, Alabama; to provide for the selection of its members and fix their duties and compensation; to fix the duties and jurisdiction of the court; to divide the county into commissioners districts, and to abolish the board of revenue of said county.

Chas. McDowell,  
Chairman.

#### SIGNING OF JOINT RESOLUTION AND BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been public read at length by the Secretary of the Senate, signed the following joint resolution and bill:

S. J. R. 33. Relative to the secretary of war and the general staff of the United States army be memorialized to preserve the individuality and integrity of the 167th Regiment, United States Infantry, composed of Alabamians, and that this regiment return to the capital city of Alabama for demobilization when all preliminaries have been complied with.

S. 27. To establish the court of county commissioners for Covington county, Alabama; to provide for the selection of its members and fix their duties and compensation; to fix the duties and jurisdiction of the court; to divide the county into commissioner's districts, and to abolish the board of revenue of said county.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Hall of Marion:

H. J. R. 37. Whereas, Section 1 of the resolution for the establishment of the Bankhead highway, adopted by the Legislature of Alabama at its present session, routes the said Bankhead highway where it traverses the western portion of the State from Jasper to Hamilton, to Guin and to Sulligent; and,

Whereas, the road described as said highway from Wineld to Hamilton and thence to Guin practically describes a circle which would necessitate persons traveling same to travel forty-six miles from Winfield to Hamilton, whereas the distance between Win-

field and Guin is only seven miles, Winfield and Guin being connected by an excellent pikeroad; and,

Whereas, the route of the Bankhead highway laid down in said resolution by Sulligent to Tupelo, Mississippi, is indirect and over unimproved roads; and,

Whereas, from Hamilton to Bexar the road is graded, graveled and the route direct to Tupelo, Mississippi; and

Whereas, from Tupelo to Fulton, thence to Spence Gap the road has been surveyed and is now in process of construction, and will connect with the road from Hamilton to Bexar at the State line, making the route from Hamilton to Tupelo, Mississippi, over hard surfaced, improved thoroughfares.

Therefore, be it resolved by the House, the Senate concurring, That section 1 of said resolution be amended so as to read as follows:

Section 1. That the State of Alabama hereby join the other states in the establishment of this road as an interstate highway, the route across Alabama being road Nos. 2 and 9, as shown on the State highway map, and traversing the cities of Heflin, Anniston, Talladega, Pell City, Birmingham, Jasper, Hamilton and Bexar, thence to the State line, thereby connecting with the hard surfaced road, projected and in process of construction in direct route to Tupelo, Mississippi.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk

#### HOUSE MESSAGE.

The House joint resolution No. 37, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following bill:

H. 225. To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of Blount county, Alabama; to define the duties and powers of the court of county commissioners with regard to same, and to fix penalties for the violation of the rules, regulations and laws of the court of county commissioners.

And sends same to the Senate without engrossment, with notice and proof attached and herewith exhibited as follows:

## NOTICE OF PROPOSED LEGISLATION.

Notice is hereby given that a bill will be introduced in the 1919 session of the Legislature of Alabama to be entitled an act, which bill will be in substance as follows: For Blount county, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the court of county commissioners of Blount county is invested with a general superintendence of the public roads, bridges and ferries within said county, and may establish new, and change and discontinue old, roads, bridges and ferries of said county so as to render travel over the same as safe and convenient as practicable. To this end they are given legislative, judicial and executive powers, except as limited herein. They may establish, promulgate and enforce rules and regulations, make **and enter into such contracts as may be necessary, or as may be deemed necessary or advisable by such court, to build, construct, make, improve and maintain a good system of public roads, bridges and ferries in Blount county and regulate the use thereof; but no contract for the construction or repair of any public road, bridge or bridges shall be made where the payment of the contract price for such work shall extend over a period of more than ten years.**

Section 2. That it shall be unlawful for any person, firm or corporation to violate any rule, regulation or law which may be adopted or promulgated by the court of county commissioners of said county, under the authority conferred by this act, relating to the use, control, care, operation or maintenance of any such public road, bridge or ferry and any person, firm or corporation violating the same shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars and may also be sentenced to hard labor for the county for not more than thirty days, either or both, and each violation thereof shall constitute a separate offense.

Section 3. That the court of county commissioners of Blount county may transfer to the road fund of the county any surplus of general funds of the county in the county treasury, or any part of such surplus, whenever in the judgment of such court it will promote the interest of the county to make such transfer. Any surplus of general funds so transferred shall be used only for working of the public roads or the building of bridges or otherwise improving the public roads of said county.

Section 4. That the court of county commissioners of Blount county, Alabama, is hereby given the right of eminent domain for the purpose of establishing and changing of public roads, bridges and ferries in said county. Provided that when an appeal is taken from any assessment in a condemnation proceeding brought by the county, such appeal shall not deprive the county obtaining the judgment of condemnation of a right of entry for any and all purposes named in the condemnation proceeding, provided the amount of damages assessed shall have been paid into court in money, and a bond shall have been given in not less than double the amount of damages assessed with good and sufficient sureties to be approved by the clerk of the court to which the appeal is taken conditioned to pay such damages as the owner of the property may sustain.

Sec. 5. All persons are liable to work on the public roads, except those exempted by section 6 of this act.

Sec. 6. That all women, and all men under the age of eighteen and over the age of forty-five years; all persons who have lost an arm or a leg; and all persons who, by nature or disease, are rendered incapable of hard labor who shall procure a certificate of such incapacity from the county board of health, are exempt from working on public roads; but

where there is no county board of health, the certificate of such incapacity from two reputable practicing physicians shall be sufficient.

Sec. 7. That the right of way is granted to any person or corporation having the right to construct telegraph or telephone lines within this State to construct them along the margin of the right of way of public highways. Subject to removal or change by the court of county commissioners of Blount county.

Sec. 8. That any contractor employed by the court of county commissioners of Blount county to improve public roads, bridges, ferries, culverts, drains, etc., before entering upon the discharge of his duties or before receiving any pay therefor, must execute bond payable to the county and to be approved by the probate judge, in an amount not less than the amount to be received by him for such work, conditioned for the faithful performance of his contract and discharge of his duties thereunder. Provided that the contract exceed fifty dollars.

Sec. 9. That the convicts of any county or municipality may be worked upon the public roads, bridges or ferries of the county under the direction of the court of county commissioners, and said convicts may be worked in quarries, gravel pits or any plant used for the production of road materials, although said quarry, pit or plant may be located in another county; or said convicts may be hired to or from another county or from the State.

Sec. 10. That convicts shall not be worked in squads or companies with other persons liable to road duty upon public roads, bridges, etc., for the county. That no woman convict shall be worked on the public roads.

Sec. 11. That no contract where the estimated cost of the work shall exceed two hundred and fifty dollars shall be made except after advertisement for thirty days, in some newspaper published in the county describing the character of the work to be done and the time and place of letting and then only to the lowest reasonable and responsible bidder for such work, who shall enter into bond in double the amount of such bid conditioned for the proper performance of said contract according to the plans and specifications and within the time prescribed by the order of the court for such work, which bond shall be approved by the judge of probate for said county. Provided, however, that where the estimated cost of the work exceeds twenty-five hundred dollars, advertisement as above provided must also be made in a daily paper, published in this State, of at least five thousand daily circulation once a week for thirty days. Provided, however, that such court shall have the right to reject any or all bids. Provided, however, that in the event of the destruction of a bridge, or damage thereto, rendering the same impassible, or in any other emergency, the county commissioners, may contract for the repair or rebuilding of such bridge without advertisement, if the public good requires it.

Sec. 12. The court of county commissioners may accept a money compensation, to be fixed by them, not to be less than ten dollars per capita nor more than fifteen dollars per capita per annum. That all persons in Blount county subject to road duty shall be required to work on the public roads of said county not less than eight nor more than ten days per annum or pay in lieu thereof as above stated and set out. The court of county commissioners of Blount county shall have power to provide for the time of payment of money paid in lieu of work due on the public roads of said county. Said money to go to the road to which the one paying the money has been apportioned and expenses exclusively on said road.

Sec. 13. That the court of county commissioners of Blount county may, for the purpose of maintaining the public roads, bridges and ferries of the county, impose upon the owners of vehicles which are used upon the public

roads of the county such license taxes for each class of vehicles as may be deemed advisable by said court.

Sec. 14. The court of county commissioners of Blount county, with the consent or permission of the city council or governing body of any municipality, may establish, construct and maintain any road, street or bridge within the corporate limits of such municipality.

Sec. 15. That if any clause, provision or section of this act is declared unconstitutional it shall not invalidate or affect any other clause, provision or section which is not in and of itself unconstitutional.

Sec. 16. That nothing in this bill shall prohibit women convicts from cooking and preparing meals for road crews, composed of convicts.

Sec. 17. Be it further enacted that all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

State of Alabama, }  
Blount County. }

Before me, F. A. Hearn, a notary public in and for said county, personally came F. G. Stephens, who being by me first duly sworn, deposes and says that he is the publisher of the Southern Democrat, a newspaper published at Oneonta, Blount county, Alabama, and that the bill entitled, "An act to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of Blount county to define the duties and powers of the court of county commissioners with regard to same, and to fix penalties for the violation of the rules, regulations and laws of the court of county commissioners" was published in full in said newspaper once a week for four consecutive weeks beginning on the 2nd day of January, 1919, and ending on the 23rd day of January, 1919.

F. G. Stephens.

Sworn to and subscribed before me on this the 23rd day of January, 1919.

(Seal.)

F. A. Hearn,  
Notary Public.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees, as follows:

H. 225. To the Committee on Local Legislation.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 162. To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads and bridges of Fayette county, Alabama; to define the duties and powers of the court of county commissioners, or other governing body of Fayette county with regard of the same; to fix

penalties for the violations of the rules, regulations and laws of the court of county commissioners or other like governing body of said county; to provide for the better building, maintenance and protection of the public roads and bridges of Fayette county; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect; to provide for the more efficient working, construction and repair of the public roads and bridges in Fayette county, Alabama; to provide for the appointment of road supervisors in the several precincts in the county, and to fix their compensation and define their duties and powers; to provide for a commutation fee in lieu of working the roads; to provide for the levy of special tax of five percent of one-fourth of one per centum now allowed by law on all taxable property, to be used exclusively for maintaining and repairing public roads and bridges in Fayette county; to create a separate and special road fund for said county, and to prevent obstruction and damage to the public roads and bridges of said county.

With notice and proof hereto attached and exhibited as follows:

#### NOTICE OF LOCAL LAW.

Notice is hereby given of the intention to apply therefor at the coming session of the Legislature of Alabama, which convenes during the month of January, 1919, the following local road law for Fayette county, Alabama, and to have the same passed at said session, the substance, essential and material parts thereof, and the bill in full as a part of this notice, being as follows:

#### AN ACT

To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads and bridges of Fayette county, Alabama; to define the duties and powers of the court of county commissioners, or other governing body of Fayette county with regard to the same; to fix penalties for the violations of the rules, regulations and laws of the court of county commissioners or other like governing body of said county; to provide for the better building, maintenance and protection of the public roads and bridges of Fayette county; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect; to provide for the more efficient working, construction and repair of the public roads and bridges in Fayette county, Alabama; to provide for the appointment of road supervisors in the several precincts in the county, and to fix their compensation and define their duties and powers; to provide for a commutation fee in lieu of working the roads; to provide for the levy of a special tax of five percent of one-fourth of one per centum now allowed by law on all taxable property, to be used exclusively for maintaining and repairing public roads and bridges in Fayette county; to create a separate and special road fund for said county, and to prevent obstruction and damage to the public roads and bridges of said county.

Section 1. That the court of county commissioners of Fayette county, Alabama, are hereby invested with a general superintendence of the public

roads, bridges and ferries, within the county of Fayette, and may establish new, and change and discontinue old, roads or bridges in said county, so as to render travel over the same as safe and convenient as practicable. To this end they are given legislative, judicial and executive powers, except as limited herein. They may establish, promulgate and enforce rules and regulations, make and enter into such contracts as may be necessary, or as may be deemed necessary or advisable by such courts, to build, construct, make, improve and maintain a good system of public roads, bridges or ferries, in said county, and to regulate the use thereof.

Section 2. That it shall be unlawful for any person, firm or corporation to violate any rule, regulation or law which may be adopted or promulgated by the court of county commissioners, under the authority conferred by this act, relating to the use, control, care, working, operation or maintenance of any public road, bridge or ferry, and any person, firm or corporation violating the same shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than one hundred dollars, and may also be sentenced to hard labor for the county for not more than thirty days, either or both, and each violation thereof shall constitute a separate offense.

Section 3. That the court of county commissioners of said county may transfer to the road fund of the county any part or any surplus of general funds of the county in the county treasury, whenever in the judgment of such court it will promote the interest of the county to make such transfer. Any surplus or any part of general funds so transferred, shall be used only for the working or maintenance of the public roads, or the building or maintenance of bridges or otherwise improving the public roads of the county.

Section 4. That for the purpose of maintaining the public roads and bridges, the said county of Fayette is hereby divided into road districts, each precinct of said county to constitute a separate district, and it shall be the duty of the court of county commissioners to appoint a supervisor for each of said districts, but if deemed advisable, the commissioners court, for good and sufficient reason, may change the boundaries of the different districts, or decrease the number in said county, by placing an order on the minutes of said court making such changes and giving reasons therefor. The terms of office for the said supervisors shall be one year from date of appointment, and until their successor is appointed, but may be discharged by said commissioners court for neglect of duty or inefficiency, and when a vacancy for any cause occurs, the commissioners court shall appoint some suitable person to fill the unexpired term.

Section 5. That it is hereby made the duty of the court of county commissioners of Fayette county at the time of levying other taxes for county purposes, to levy at least five per cent of the special tax of the one-fourth of one per cent now allowed by law to be assessed and collected as other taxes, for the special maintenance of the different public roads throughout the county, and said five per cent so assessed and collected shall be placed in a separate fund with commutation fees, constituting a special fund to be used only for the maintenance and repair of all the public roads and bridges in said county, provided that this special levy of five per centum shall not interfere with any other levy allowed by law for courthouse, jail, roads or bridges, but is only intended to restrict the use of five per cent of one-fourth of one per cent on all taxable property to the exclusive use of maintaining and repairing roads and bridges in said county of Fayette.

Section 6. That all automobile license tax paid to the county shall be placed in and with the special fund derived from commutation fees and



placed to the credit of this particular fund for the maintenance and repair of all of the roads of the county.

Section 7. The probate judge of the county shall have authority to collect and receipt for commutation fees from hands or persons subject to road duty in any precinct in the county, and shall keep an accurate account of all money collected in various precincts in said county, showing a list by precincts of the names, amount and date of those who have paid a commutation fee, and he shall also furnish the supervisor of each precinct with a list of persons who pay the commutation fee to him in lieu of personal service, and he shall turn into the county treasury to the credit of the precinct wherein the tax payer resides, all such taxes so collected by him.

Section 8. That all work upon the public roads and bridges of said county, other than that done by persons subject to road duty, shall be done by contract made with some person, partnership or corporation, or with the supervisor of any road district, which contract shall be in writing, and entered into by and with said county commissioners for and on behalf of Fayette county, and when the total costs of the work to be done, or the material to be furnished, under any one contract does not exceed fifty dollars the contract for the same may be let out privately or by competitive bids as said court of county commissioners may by order determine. When the total cost of the work to be done, or the material to be furnished under any one contract exceeds fifty dollars, such contract shall be let out to the lowest responsible bidder, such bids being received at public outcry in front of the courthouse door of said county, or by sealed bids filed with the probate judge of said county, as the said court of county commissioners may by order determine. Notice of the time and place at which said bids shall be received at public outcry, or of the time and place which sealed bids shall be opened, shall be given by publication in some newspaper published in said county for at least two issues of said paper prior thereto.

Section 9. That all persons are liable to work on the public roads of Fayette county except women, and all men under the age of eighteen and over the age of fifty years; all persons who have lost an arm or leg; and all persons who by nature or disease, are rendered incapable of hard labor, who shall procure a certificate of such incapacity from the county board of health, are exempted from working on public roads; but a certificate of such incapacity from two reputable practicing physicians shall also be sufficient.

Section 10. That every male person in said county who is over the age of eighteen, and under the age of fifty, not exempt by law, shall be subject to road duty, and shall be compelled to work on the public roads or repairing bridges for ten days in each year and eight hours actual work each day, provided any person subject to road duty may be relieved from working on the roads by paying a money compensation or fee of five dollars per capita per annum to the road supervisor or probate judge of said county on or before the 15th day of February of each year, said money to go to the road fund of said county, and to be appropriated exclusively for the maintenance or improvement of the public roads or bridges in the district in which said commutation or money compensation is paid. That all persons subject to road duty, who fail to pay said money compensation in lieu of the labor required by law upon public roads, shall be compelled to work on the public roads of said county for not more than ten days, and provided further, that all persons subject to road duty moving into said county after the 15th day of February in any year, shall be liable to road duty for the remainder of the year at the rate of ten days' work for twelve months, and shall have the option of commuting said work by paying to the supervisor of his district or the probate judge of said county, or other person designated by the commissioners court for his district, in discharge of such

liability at the rate of five dollars for ten days' work, and the road year shall be the same as the calendar year. Road supervisors liable to road duty shall not be exempt from road duty, except by payment of the commutation fee.

Section 11. That all male inhabitants of the county between the ages of twenty-one and 60 years are subject to road duty under this act as supervisors.

Section 12. That the court of county commissioners, may transfer to the special fund with commutation fees for maintenance of public roads, any surplus of the fine and forfeiture fund of the county in the county treasury, or any part of such surplus, whenever in the judgment of such court it will promote the interest of the county to make such transfer for road purposes. Any surplus so transferred shall be used only for future working of ~~public roads or the building or repairing of bridges or otherwise improving of the public roads of Fayette county.~~

Section 13. That in the event of the destruction of a bridge, or damage thereto, rendering the same impassable or dangerous, or the condition of any public road becomes impassable from any cause, or in any other emergency, the county commissioners may immediately contract for the repair or rebuilding of such bridge or road, without advertisement, if the public good requires it.

Section 14. That the right of way is granted to any person or corporation having the right to construct telegraph or telephone lines within this State to construct them along the margin of the right of way of public highways, but subject to removal or change by the court of county commissioners.

Section 15. That the court of county commissioners of Fayette county, are hereby given the right of eminent domain for the purpose of establishing and changing public roads and bridges in said county. Provided that when an appeal is taken from any assessment in a condemnation proceeding brought by said county, such appeal shall not deprive the county when judgment of condemnation is obtained, of a right of entry for any and all purposes named in the condemnation proceedings, provided the amount of damages assessed shall have been paid into court in money, and a bond shall have been given in not less than double the amount of damages assessed with good and sufficient sureties to be approved by the clerk of the court to which the appeal is taken conditioned to pay such damages as the owner of the property may sustain.

Section 16. That any contractor employed by the court of county commissioners to construct or maintain or improve public roads, bridges, culverts, drains, or any other necessary work, before entering upon the discharge of his duties, or before receiving any pay therefor, must execute bond payable to the county and approved by the probate judge, in an amount not less than the amount to be received by him for such work, conditioned for the faithful performance of his contract and discharge of his duties thereunder, provided the contract exceeds fifty dollars, provided that regular supervisors of districts who have already executed bonds for the faithful performance of their duties in the sum of five hundred dollars, who afterward enter into special contract with the county to construct, maintain or improve public roads, bridges, or any other necessary work of a like character, shall not be required to give an additional bond, unless the amount of the contract exceeds the said sum of five hundred dollars, but their original bond as supervisors of their respective districts shall be in lieu thereof.

Section 17. That the convicts of Fayette county, or any municipality of said county, may be worked upon the public roads and bridges of said county, under the direction of the court of county commissioners, or said

convicts may be hired to or from another county or from the State, provided no convicts shall be worked in squads or companies with other persons liable to road duty upon public roads or bridges for the county, and no woman convict shall be worked upon the public roads, but may be required to cook and prepare meals for road crews composed of convicts.

Section 18. That it shall be the duty of each supervisor during the month of January in each year to take a census of the persons within the area assigned to him who are subject to road duty, giving the age and color of each person, and turn a list of such persons into the office of the probate judge, and said supervisor shall keep an accurate statement of the names of all persons who pay commutation fees or money compensation in lieu of working the road, and report the same to the probate judge, and shall also account to the said judge of probate for all unused or mutilated receipts and the stubs of receipts issued, and also report to the probate judge for the inspection of the court of county commissioners an itemized account and correct dates of all money expended, and for what purpose, and the name, date, and number of hours worked per day of all road hands on the public roads. Before entering upon his duties, each supervisor shall subscribe to the statutory oath to faithfully perform his duties, which oath may be administered by any officer legally authorized to administer the same; and said supervisor shall execute bond with sufficient surety in the sum of five hundred dollars payable to Fayette county, Alabama, conditioned for the faithful discharge of his duty and to promptly account for all money coming into his hands belonging to the road fund and for tools or other property coming into his possession belonging to the county.

Section 19. That it shall be the duty of the probate judge to enter the names of all persons who are subject to road duty in a suitable ledger which shall have appropriate columns for credit of money or labor, and also to furnish all other books or stationery necessary for the proper administration of the road law, at the expense of the county, to be purchased and paid for in the same way and manner that other necessary stationery is purchased and paid for by the county, and the compensation of said judge of probate for all services rendered under the road law shall be the same as he now receives, as provided by law.

Section 20. That the supervisor of each district shall report the condition of the roads and bridges in his district to each grand jury of said county should any part of the roads over which they have supervision be bad, or any of the bridges defective.

Section 21. That it shall be the duty of each member of the court of county commissioners of Fayette county, to carefully inspect the condition of the public roads and bridges within the district for which they were elected commissioner, once within every six months, and report the true condition of said roads and bridges to the commissioners court. They shall personally inspect all work let out by contract in their respective districts to see that the specifications are fully carried out in compliance with the contract entered into with the contractor, before said work is paid for, provided the commissioners court may, if they deem advisable, appoint some other person to inspect said work, and said commissioner for performing said duties, shall receive the same pay per day and mileage, to be paid in the same way and manner as county commissioners are now paid, and said claim shall be regularly passed upon by the commissioners court before payment thereof.

Section 22. That it shall be the duty of the supervisor of each road district, or some other person appointed by him, to warn the person or hands subject to road duty, by giving three days notice in person or in writing, to be left at the residence of said person liable to road duty, to

meet at such time and place as the supervisor of the road may appoint, and with such implements, tools or property liable to road duty as he may direct.

Section 23. That any person liable to road duty, who fails or refuses, after legal notice, to work the public roads, either in person or by substitute, without a sufficient excuse therefor, must, on conviction, be fined not less than five dollars, and may also be imprisoned in the county jail, or put to hard labor for the county for not more than twenty days, and the fine in said prosecution shall be paid over to the county treasurer as a part of the commutation fee road fund, and said fine when so paid, shall be expended on the road in the district in which said default was made. This section must be given in special charge to the grand jury; and it is their duty, if the evidence justifies it, to find and present an indictment.

Section 24. That all persons hauling logs, lumber or timber over the roads of the county to sell or for another for hire, and all persons regularly engaged in the business of hauling over the roads of the county shall pay a license of one dollar per month for each two horse wagon, and two dollars per month for each four horse wagon, or trucks, traction or road engine or other heavy vehicle so used in such hauling. It is not intended hereby to require a license for those who haul for their own use or for the improvement of their farms, or those who occasionally haul logs cut from timber on their own lands when going to town or elsewhere, or for private hauling connected with or usual ordinary operation of a farm, or any one hauling cord or stove wood. Any person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction fined not less than five nor more than fifty dollars, to be paid in lawful money which fine when collected, shall be paid over to the county treasurer as part of the road fund. And the license tax required by this section, and also any fine which may be imposed and collected for a violation of said section, shall be a part of the road fund and used exclusively upon the roads in the district where said license was required, and where said violation of law occurred. This section must be given in special charge to the grand jury, and it is their duty, if the evidence justifies it, to find and present an indictment.

Section 25. That it shall be the duty of the supervisors of each road district of the county to report all violations of road duty where persons subject to the same, without sufficient excuse therefor, refuse to work the public roads, and also a refusal to pay any license required by law. Said report of all violations which may come under their observation, shall be made to the grand jury of said county, or at their option, prosecutions may be commenced by them in the county court of said county, or before a justice of the peace having jurisdiction of said offense.

Section 26. That any person subject to road duty who desires to work in lieu of commutation fee, and who fails to do satisfactory work under the supervisor, or person having charge of the road or bridge work, may be discharged by said supervisor and proceeded against as though he had refused to work.

Section 27. That if any section or provision of this act shall be declared to be void or unconstitutional it shall not affect or destroy the validity or constitutionality of any other section or provision therein, which is not in and of itself void or unconstitutional.

Section 28. That for all work or labor performed by the supervisors of the different road districts in the county, except when working under contract as provided for in this act, said supervisors shall be paid at a rate not to exceed two dollars per diem, said claim for said services shall be regularly passed upon by the commissioners court and warrant issued therefor payable out of road and bridge fund for county.

Section 29. That a county road and bridge fund is hereby created for Fayette county, Alabama, into which fund shall be paid all moneys derived for roads and bridges in said county.

Section 30. That none of the provisions of the general laws of Alabama relating to public roads are repealed by the provisions of this act except in so far as they conflict with the terms of this act. All laws and parts of laws, local and general, that conflict with the terms of this act, are hereby repealed.

Section 31. This act shall take effect immediately upon its passage and approval by the governor.

Robert F. Peters.

#### PUBLISHER'S AFFIDAVIT.

The State of Alabama, }  
Fayette County.

Before me, Alex Smith, judge of probate in and for said County, in State aforesaid, personally appeared T. A. Wilson, who, being duly sworn, doth depose and say that he is publisher of The Fayette Banner, a weekly newspaper published in the town of Fayette, State and county aforesaid, and that a certain advertisement (a true copy of which is hereto attached) has been published in said newspaper for 4 consecutive weeks prior to the 21st day of January, 1919, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit: No. 1, the 19th day of December, 1918; No. 2, the 26th day of December, 1918; No. 3, the 2nd day of January, 1919; No. 4, the 9th day of January, 1919. And that there was no agreement between publisher and officer, and that the actual and lowest cost of said advertisement is \$-----, due and unpaid.

Turner A. Wilson,  
Publisher.

Sworn to and subscribed before me, this 21st day of January, 1919.

Alex Smith,  
Judge of Probate.

H. 96. To provide for the institution and prosecution of misdemeanors in the circuit court of Madison county, otherwise than by indictment by the grand jury.

With notice and proof attached hereto, and exhibited as follows:

#### NOTICE

Is hereby given that application will be made to the Legislature of Alabama at its first session for the passage of an act in substance as follows:

A bill to be entitled an act to provide for the institution and prosecution of misdemeanors in the circuit court of Madison county, otherwise than by indictment by the grand jury.

Sec. 1. Be it enacted by the Legislature of Alabama, That from and after the passage of this act prosecution of persons charged with misdemeanors, in Madison county may be begun by affidavit made before the clerk of the circuit court of Madison county, and that thereupon the jurisdiction of the circuit court of Madison county shall attach, and the same shall proceed to trial and judgment under the same rules and procedure

as provided by law in misdemeanor causes, under indictment found by grand juries.

Sec. 2. Nothing in this act shall be construed as to in any manner interfere with or affect prosecutions for misdemeanors upon indictment found by the grand jury in the circuit court of Madison county.

Sec. 3. This act shall take effect upon its approval by the governor.

State of Alabama, }  
Madison County. }

Before me, Robert C. Brickell, one of the judges of the eighth judicial circuit, personally appeared P. O. Aiken, who being by me first duly sworn says that he is the business manager of the Huntsville Mercury, a newspaper published in the city of Huntsville, county of Madison, State of Alabama, and that the foregoing notice of intention to apply for the passage of a local law by the Legislature of Alabama, was published without costs to the State of Alabama, in the Huntsville Mercury once a week for four consecutive weeks beginning on the 10th day of December, 1918, and ending on the 31st day of December, 1918.

P. O. Aiken.

Sworn to and subscribed before me this 11th day of January, 1919.

Robert C. Brickell,  
Circuit Judge.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees, as follows:

H. 162. To the Committee on Local Legislation.

H. 96. To the Committee on Revision of Laws.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 229. To create the Alabama centennial commission, to prescribe its powers and duties, and to make an appropriation for the appropriate celebration, under the direction of the commission, of the one hundredth anniversary of the admission of Alabama into the Federal Union.

And sends same herewith to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee, as follows:

H. 229. To the Committee on Judiciary.

## MESSAGE FROM THE GOVERNOR.

*Gentlemen of the Senate:*

I am directed by the governor to hand you herewith the attached appointments for your consideration and confirmation.

Respectfully,

W. A. Darden,  
Secretary to the Governor.

February 3, 1919.

*Gentlemen of the Senate:*

According to the provisions of section 1, banking law, approved February 15, 1915, vacancies occurring in the offices of the State bank examiner shall be filled by appointment of the governor, by and with the consent of the Senate.

I, therefore, report to you the appointment of the following officials of this department:

D. F. Green, superintendent of banks, Montgomery.

W. H. Manly, Birmingham, John H. Drakeford, Tuskegee, members of banking board.

I submit these appointments for your consideration and confirmation.

Respectfully,

Thos. E. Kilby,  
Governor.

February 3, 1919.

## GOVERNOR'S MESSAGE.

On motion of Mr. Acker, the Senate confirmed the appointment of D. F. Green as superintendent of banks, and of W. H. Manly and John H. Drakeford as members of the banking board, of the State of Alabama.

Yeas, 29; nays, 0.

*Yeas:*

Messrs:

Acker

Baker

Beale

Bedsole

Briscoe

Brown

Butler

Cowan

Craft

Ellis

Espy

Griffith

Gunter

Harper

Huddleston

Kelly

Miller

Moore

Morris

McDowell

Norwood

Phillips

Prestwood

Rogers (Lauderdale)

Rogers (Sumter)

Sims

Smith (Coosa)

Tally

West

—29

*Nays:*—None.

## RESOLUTION.

Mr. Craft offered the following Senate resolution:

S. R. 35. Be it resolved, That the Senate be requested to have three hundred copies of the workmen's compensation act printed for the benefit of the members of the Legislature and

the citizens of the State who are interested in the workmen's compensation act.

Which was read and referred to the Standing Committee on Rules.

Mr. Acker offered the following joint resolution:

S. J. R. 36. Resolved by the Senate, the House concurring, That when the Legislature adjourns today, it adjourn to meet again on Wednesday February 5th, 1919, at 10:00 A. M.

Which was, under a suspension of the rules, adopted.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown, and as amended has passed:

S. 70. To provide a better system of public roads for the county of Cullman, State of Alabama.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Griffith, the Senate non-concurred in the following amendment by the House to Senate bill No. 70, the title of which is set out in the foregoing message from the House, to-wit:

To amend section three of the proposed bill as follows:

That all hands within the required road age shall work at least 8 days during each calendar year, and not more than 10 days, the time necessary to work be under the absolute control of the beat commissioners of their respective beats throughout the county.

This proposed bill shall become a law in full force and effect immediately on its passage, when signed and approved by the governor.

And requests a Committee of Conference on same.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Acker	Cowan	Huddleston	Phillips
Baker	Craft	Kelly	Prestwood
Beale	Ellis	Miller	Rogers (Lauderdale)
Bedsole	Espy	Moore	Sims
Briscoe	Griffith	Morris	Smith (Coosa)
Brown	Gunter	McDowell	Tally
Butler	Harper	Norwood	West

Nays:—None.



And in pursuance of such request, the President of the Senate appointed as conferees on the part of the Senate, Messrs. Griffith and Sims.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 89. To provide for the appointment of a commission to make a study of the public school system of Alabama and to make an appropriation therefor.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has acceded to the request of the Senate for a Committee of Conference on the disagreement of the two houses on House amendment to the bill:

S. 70. To provide a better system of public roads for the county of Cullman, State of Alabama.

And the Speaker names as a Committee of Conference on part of the House, Messrs. Cobbs, Tunstall and Ross.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in:

S. J. R. 36. Relative to adjournment of the two houses until 10 o'clock Wednesday, February 5th.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## BILLS ON THIRD READING RESUMED.

The bill:

S. 106. To provide for the prosecution of misdemeanors by complaint and summons, to regulate the practice and procedure of such prosecutions, and to provide for the duty of magistrates and officers in such prosecutions, and to provide for the fees and costs in such cases.

Was taken up.

Mr. Tally offered the following amendment to said bill, to-wit.

"Amend Senate bill 106 by striking out section 8."

Mr. Acker moves to lay the amendment offered by Mr. Tally on the table, which motion prevailed, and said amendment was laid on the table.

And said bill was then read a third time at length and lost.

Yeas, 6; nays, 22.

*Yeas:*

Messrs:

Acker	Espy	Kelly	Sims	
Bedsole	Griffith			—6

*Nays:*

Messrs:

Baker	Craft	Moore	Prestwood	
Beale	Ellis	Morris	Rogers (Lauderdale)	
Briscoe	Gunter	McDowell	Smith (Coosa)	
Brown	Harper	Norwood	Tally	
Butler	Huddleston	Phillips	West	
Cowan	Miller			—22

ADJOURNMENT.

On motion of Mr. Baker and pursuant to S. J. R. 36, heretofore adopted, the Senate at 5:25 P. M., adjourned until 10:00 o'clock Wednesday, February 5th, 1919.

THIRTEENTH DAY.

Wednesday, February 5th, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

PRAYER.

By Rev. Dr. Coffin, of Montgomery.

ROLL CALL.

Present:

Mr. President and

Messrs:

Acker	Craft	Kelly	Phillips
Baker	Ellis	Leith	Prestwood
Beale	Espy	Miller	Rogers (Lauderdale)
Bedsole	Evins	Moore	Rogers (Sumter)
Briscoe	Griffith	Morris	Sims
Brown	Gunter	McDowell	Smith (Coosa)
Butler	Harper	Nance	Tally
Cowan	Huddleston	Norwood	West

—32

## JOURNAL.

On motion of Mr. Briscoe, the reading of the Journal of yesterday was dispensed with and same was approved.

## PRIVILEGES OF THE FLOOR.

On motion of Mr. Griffith, the privileges of the floor were extended to Judge Aldridge, of Blount.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Baker:

S. 155. To amend section 1217 of the Code of 1907.

Judiciary.

By Mr. Gunter:

S. 156. To provide for the establishment, construction, working and maintenance of private roads.

Public Roads and Highways.

By Mr. Gunter:

S. 157. To repeal an act entitled, "An act to limit costs in civil suits other than unlawful detainer suits involving not more than fifty (\$50.00) dollars, brought or instituted in inferior courts located or established in counties having a population of not less than 80,000 or more than 100,000, according to the last Federal census or any subsequent Federal census," approved September 17, 1915.

Finance and Taxation.

By Mr. Gunter:

S. 158. To amend section 1 of an act entitled, "An act to regulate the procedure in unlawful detainer suits brought by a landlord against his tenant in counties of less than 100,000 and more than 80,000 of population, according to the last Federal census or any subsequent Federal census; to prescribe the clerk's and sheriff's fees in such suits; and to provide for and regulate appeals therein, including the bond to be given on appeal," approved September 18, 1915.

Judiciary.

By Mr. Evins:

S. 159. To provide and prescribe an additional mode of service in all proceedings in the courts of this State upon non-residents of this State, and upon residents of this State, who have been absent from the State for at least six months prior to the

institution of such proceedings, and upon any and all residents of this State, who conceal themselves so that process cannot be served upon them; and to declare the force and effect of such service, and to prescribe the time within which orders, judgments and decrees rendered in such proceedings upon such service shall become final.

Judiciary.

By Mr. West:

S. 160. To prescribe the qualifications, duties and compensation of coroners in counties of ~~this~~ State of two hundred thousand inhabitants or more according to the last Federal census or any subsequent Federal census who may be hereafter elected and to provide for a deputy or an assistant coroner and to define and prescribe the powers and duties of such deputy or assistant, and to provide for the employment of a competent physician at any inquest held by such coroner or such deputy or such assistant, and to define and prescribe his duties and to fix his compensation and to provide for the employment of stenographer by such coroners.

Local Legislation.

By Mr. Acker:

S. 161. To authorize the issue of the bonds of the State to the amount of nine hundred and fifty-four thousand dollars for the purpose of refunding the bonds of the State maturing January 1st, 1920, issued under and by virtue of an act approved February 22, 1887, entitled, "An act to authorize the issue of the bonds of the State to the amount of nine hundred and fifty-four thousand dollars for the purpose of paying, taking up and cancelling the bonds of the State bearing six per cent per annum, issued under an act approved February 13, 1879, to provide for funding the domestic debt of the State," as amended by act approved February 27, 1889, to prescribe the rate of interest the said bonds shall bear, to fix the maturity thereof and to provide for the sale thereof.

Finance and Taxation.

By Mr. Rogers of Lauderdale:

S. 162. To prohibit live stock from running at large in all counties of this State having a population according to the last Federal census of not less than 30,900 and not exceeding 30,975, and to provide a means for its enforcement, and to prescribe penalties for owners of live stock who knowingly or negligently permit them to run at large in such counties as may be affected by this act.

Local Legislation.

By Mr. Briscoe:

S. 163. To abolish county boards of equalization in counties of 50,000 population and less.

Judiciary.

By Mr. Briscoe:

S. 164. To provide that jury commissioners in counties having a population of fifty thousand or less shall elect one of its number to act as secretary, or clerk of the commission and to provide that no extra compensation for such services be allowed.

Judiciary.

By Mr. Smith of Coosa:

S. 165. To authorize the State board of examiners to issue emergency certificates good until the July, 1919, examination.

Education.

#### REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Acker:

S. 139. To establish the eighteenth judicial circuit, to be composed of the counties of Calhoun and Cleburne; to provide for a judge and the appointment of a solicitor; to fix their compensation and to provide that a portion of the judge's salary be paid out of the county treasuries of the counties constituting said circuit.

By Mr. Bedsole:

S. 69. To regulate the practice of public accountancy by creating a State board of public accountancy, fixing its fees and emoluments; to prohibit the unlawful use of words, letters or other means of identification by unauthorized persons, as certified public accountants under this act, and to provide penalties for the violation of its provisions.

By Mr. McDowell:

S. 152. To provide for the clerk of the circuit court of Barbour county to be ex-officio clerk of the county court of Barbour county, to provide the compensation for his services, and to provide for the services of the sheriff of Barbour county in the county court, and to fix the compensation for his services in said court.

By Mr. Griffith:

S. 136. To amend section 6050 of the Code of Alabama.

By Mr. Ross:

H. 25. To amend section 2566 of the Code of Alabama of 1907 to read as follows:

By Mr. Jones of Escambia:

H. 42. To amend an act approved September 15th, 1915, entitled, "An act to require all county solicitors, all circuit solicitors, any solicitors of any court of record to give opinions to all county officials in all matters connected with their offices except in suits against official bonds."

Mr. Miller, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Tally:

S. 73. To amend section 4227 of the Code.

By Mr. Tally:

S. 72. To amend section 4196 of the Code.

By Mr. Tally:

S. 145. To repeal section 4198 of the Code of 1907.

By Mr. Fletcher:

H. 96. To provide for the institution and prosecution of misdemeanors in the circuit court of Madison county, otherwise than by indictment by the grand jury.

Mr. Butler, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Acker:

S. 141. To authorize and empower the governor to employ an expert accountant to make a complete statement of the State's finances, showing all unpaid warrants outstanding, unpaid bills and accounts and the resources for the payment of the same.

By Mr. Edwards of Dallas:

H. 131. For the relief of Camp Jones, No. 317, United Confederate veterans and to require the county's proportion of the license money paid by said Camp Jones in March, 1917, to be refunded to it by the treasurer of Dallas county, or the person or corporation acting as such treasurer, and requiring the auditor of the State of Alabama to draw his warrant for the amount or proportion of said license money which the State received in favor of the commander of said Camp Jones, the total being the sum of \$139.98.

Mr. Brown, chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Acker:

S. 107. To authorize a city of more than twelve thousand inhabitants and less than twenty-five thousand inhabitants, as shown by the last preceding census of the United States, having a tax rate of not more than one-half of one per cent to charge a reasonable annual rental for toilets on private premises connected with the sanitary sewers belonging to and maintained by the city; to make said charge a lien on the premises and to provide a method for the collection and enforcement of the same.

By Mr. Evins:

S. 122. To provide that municipal corporations shall have a lien on the property used in any exhibition, trade, business, vocation, occupation or profession, for which a license is required, and to provide for the enforcement of such lien.

By Mr. Graham:

H. 9. To increase the jurisdiction of the mayor of Jackson, Alabama, and fix his compensation for the business transacted.

By Mr. Huey:

H. 45. An act to regulate the assessment of cost of public improvements against property by municipalities, and to provide a method by which assessments originally levied against a tract of land may be split and divided among the interested property owners, and providing for the correction of errors in the descriptions of ownerships, and for reducing the assessments before, pending appeal or after an appeal has been decided, and authorizing the governing bodies of cities to settle and compromise cases of assessments or judgments thereon.

By Mr. Dickson:

H. 46. To authorize municipalities of the State to make contracts and agreements with other cities of the State for the inspection of dairies, milk, meats, and other food products.

Mr. Kelly, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smith of Coosa:

S. 154. To amend act number 411, approved September 10th, 1915, entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained.

By Mr. Kelly:

S. 125. To repeal an act entitled an act to amend section 5838 of the Code of Alabama of 1907 as amended by an act of the Legislature of Alabama, approved August 20th, 1915.

#### ADVERSE REPORT.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report:

By Mr. McDowell:

S. 78. To permit newspaper editors to accept free transportation from railroads in exchange for space and advertisements in their papers, and to permit the free use of such railroad transportation on railroads in Alabama by the editors holding the same.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Lawson:

H. J. R. 19. Be it resolved by the House, the Senate concurring, That there be appointed a joint committee, three from the House and two from the Senate, to visit the Soldiers' Home, and that their expenses be paid out of the State treasury.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

House joint resolution No. 19, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:



H. 199. To prohibit the commissioners court of Coffee county from imposing on, or collecting from the owners of vehicles used upon the public roads of said county a vehicle license tax; and to repeal section 13 of an act of the Legislature of 1915, approved September 22, 1915 (General Acts of 1915, p. 573), so far as the provisions thereof apply to said county of Coffee.

With notice and proof attached hereto, and exhibited as follows:

#### NOTICE OF BILL.

Notice is hereby given that a bill will be introduced in the next session of the Legislature of Alabama, convening in January, 1919, which will provide, in substance, a repeal of section 13 of an act of the Legislature of 1915, entitled, "An act to provide for the establishment, discontinuance, construction, use, working, and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to the same; and fix penalties for the violation of the rules, regulations, and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties" in so far as said section applies to Coffee county, Alabama; and providing that the commissioners court, or other like governing body of Coffee county, Alabama, shall not impose upon the owners of vehicles which are used upon the public roads of Coffee county, Alabama, license taxes; and providing that said bill shall become a law as soon as passed and approved by the governor and that taxes levied for the year 1919 under said section shall not be collected.

This the 5th day of December, 1918.

J. A. Carnley.

State of Alabama, }  
Coffee County. }

Before me, Fred Folsom, N. P. in and for said State and county, personally appeared R. C. Bryan, who being sworn says on oath that he is editor and publisher of the Elba Clipper, a newspaper published at Elba, Coffee county, Ala., and that the hereto attached notice was published in said newspaper once a week for four consecutive weeks, the first insertion being in issue dated December 6th, 1918, and the last in issue dated December 24, 1918.

R. C. Bryan.

Sworn to and subscribed before me this 13th day of January, 1919.

Fred Folsom,  
Notary Public in and for said State and County.

H. 10. To provide for the election of a board of education for the town of Jackson, Alabama, fix qualification of members of same, and define the power and authority of the board relative to the public schools within the corporate limits of said town.

With notice and proof attached hereto, and exhibited as follows:

## NOTICE.

The following bill will be introduced in the lower house of the next Legislature of Alabama by the undersigned.

John S. Graham,  
Representative-elect.

## AN ACT

To provide for the election of a board of education for the town of Jackson, Alabama, fix qualification of members of same, and to define the powers and authority of the board relative to the public schools within the corporate limits of said town.

Be it enacted by the Legislature of Alabama:

Sec. 1. That the town of Jackson, Alabama, shall have a board of education to consist of five members, which shall be elected by the council at its first regular meeting in September, 1919, or as soon thereafter as may be practicable, and every two years thereafter. The members of the board shall be qualified electors and shall serve without compensation. As soon after the election as practicable, said board shall organize by electing one of their number president, and shall also elect one of their number secretary of said board. And said board shall have all the powers and be vested with all the authority in relation to the public schools within the corporate limits of said town as boards of education in cities of six thousand or more population.

Sec. 2. All laws or parts of laws in conflict herewith are hereby repealed.

State of Alabama, }  
Clarke County. }

Before me, A. E. Chunn, a notary public, personally appeared W. A. Calhoun, publisher of The South Alabamian, a newspaper published in Jackson, Clarke county, Alabama, who, being duly sworn, deposes and says that the notice hereto attached was published in The South Alabamian in its issues of December 20, 27, 1918, January 3, 10, 1919.

W. A. Calhoun,  
Publisher.

Subscribed and sworn to before me this, the 11th day of January, 1919.

A. E. Chunn,  
Notary Public.

Also:

H. 200. To provide for the acceptance of the benefits of an act passed by the Senate and House of Representatives of the United States of America, in Congress assembled, to provide for the promotion of vocational education, to provide for the appointment of a State board of vocational education, and to provide for the duties thereof; and to make appropriations for vocational education.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees, as follows:

H. 199. To the Committee on Local Legislation.

H. 10 and H. 200. To the Committee on Education.

## REPORT FROM COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Griffith, chairman of the Standing Committee on Revision of the Journal, reported that said committee, in session, had examined the Journal of the Senate for the eleventh legislative day of the session, and find same contains the proper entries in reference to each bill and resolution contained therein, as required by the Constitution.

A. A. Griffith,  
Chairman.

## COMMITTEE REPORT.

On motion of Mr. Griffith, the foregoing report from the Committee on Revision of the Journal was adopted, and the Journal of the Senate for the eleventh legislative day of the session, was approved by the Senate.

## REPORT OF CONFERENCE COMMITTEE ON SENATE BILL 70.

Mr. President:

Your Committee on Conference on Senate bill No. 70 beg leave to submit the following report:

Your committee recommend that the House recede from the following amendment:

Amendment by Mr. Robertson of Cullman, as follows:

"To amend section 3 of the proposed bill as follows: That all hands within the required road age shall work at least eight days during each calendar year and not more than ten days, the time necessary to work to be under the absolute control of the beat commissioners of their respective beats throughout the county. This proposed bill shall become a law in full force and effect immediately on its passage, when signed and approved by the governor.

Respectfully submitted,

Geo. Ross,

A. M. Tunstall,

D. B. Cobbs,

Committee on the part of the House.

A. A. Griffith,

Marion H. Sims,

Committee on the part of the Senate.

## CONFERENCE REPORT.

On motion of Mr. Griffith, the Senate concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the House amendment to the bill:

S. 70. To provide a better system of public roads for the county of Cullman, State of Alabama.

Yeas, 29; nays, 0.

*Yeas:*

Messrs:

Acker	Espy	Leith	Prestwood
Beale	Evins	Miller	Rogers (Lauderdale)
Bedsole	Griffith	Moore	Rogers (Sumter)
Briscoe	Gunter	McDowell	Sims
Butler	Harper	Nance	Smith (Coosa)
Cowan	Huddleston	Norwood	Tally
Craft	Kelly	Phillips	West
Ellis			

—29

*Nays:*—None.

## BILL RETURNED AND RE-REFERRED.

Mr. Espy, chairman of the Standing Committee on Agriculture, returned to the Senate:

S. 8. To amend chapter 230 of the Code of Alabama, of 1907, relating to hotels and innkeepers, and to include therein regulation of cafes, restaurants and eating places.

With a recommendation that said bill be re-referred to the Standing Committee on Revision of Laws. And pursuant to such recommendation, the President of the Senate re-referred said bill to the Standing Committee on Revision of Laws.

## MESSAGE FROM THE GOVERNOR.

*Gentlemen of the Senate:*

I am directed by the governor to hand you herewith appointment of two trustees for the Alabama Girls Technical Institute for your consideration and confirmation.

Respectfully,  
W. A. Darden,  
Secretary to the Governor.

*Gentlemen of the Senate:*

According to the provisions of article 25, section 1913, of the Code of 1907, vacancies occurring in the offices of the trustees of the Alabama Girls Technical Institute, at Montevallo, shall be filled by appointment of the governor, by and with the consent of the Senate.

I, therefore, report to you the appointment of the following trustees for the Alabama Girls' Technical Institute:

6th District—Mrs. Edgar L. Clarkson, Tuscaloosa.  
10th District—E. B. Fite, Hamilton.

I submit these appointments for your consideration and confirmation.

Respectfully,  
Thos. E. Kilby,  
Governor.

February 4, 1919.

#### GOVERNOR'S MESSAGE.

On motion of Mr. Rogers of Sumter, the appointment of the following trustees for the Alabama Girls' Technical Institute was confirmed by the Senate, to-wit:

6th District—Mrs. Edgar L. Clarkson, Tuscaloosa.

10th District—E. B. Fite, Hamilton.

Yeas, 30; nays, 0.

*Yeas:*

Messrs:

Acker	Espy	Miller	Prestwood
Bedsole	Evins	Moore	Rogers (Lauderdale)
Briscoe	Griffith	Morris	Rogers (Sumter)
Brown	Gunter	McDowell	Sims
Butler	Harper	Nance	Smith (Coosa)
Cowan	Huddleston	Norwood	Tally
Craft	Kelly	Phillips	West
Ellis	Leith		

—30

*Nays:*—None.

#### NOTICE.

Mr. McDowell gave to the Senate the following notice in writing:

Notice is hereby given under rule 48 of the Senate, that upon the next legislative day a motion will be made before the Senate of Alabama to take from the adverse calendar and have read a second time to be placed upon the regular calendar:

S. 78. To permit newspaper editors to accept free transportation from railroads in exchange for space and advertisements in their papers, and to permit the free use of such railroad transportation on railroads in Alabama by the editors holding the same.

Chas. McDowell, Jr.

#### BILLS ON THIRD READING.

The bill:

H. 101. To repeal an act entitled an act to provide a more efficient system for opening, building, changing, constructing and working the public roads of Pickens county, etc., approved September 18th, 1915.

Was read a third time at length and passed.  
Yeas, 30; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Leith	Prestwood
Baker	Ellis	Moore	Rogers (Lauderdale)
Beale	Espy	Morris	Rogers (Sumter)
Bedsole	Evins	McDowell	Sims
Briscoe	Griffith	Nance	Smith (Coosa)
Brown	Gunter	Norwood	Tally
Butler	Harper	Phillips	West
Cowan	Kelly		

—30

*Nays:*—None.

The bill:

H. 102. To amend section 840 of the Code of Alabama, relating to "The Alabama insane hospitals," as amended by the act of September 25, 1915.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Kelly	Phillips
Baker	Craft	Leith	Prestwood
Beale	Ellis	Moore	Rogers (Lauderdale)
Bedsole	Espy	Morris	Sims
Briscoe	Evins	McDowell	Smith (Coosa)
Brown	Harper	Nance	Tally
Butler	Huddleston	Norwood	West

—28

*Nays:*—None.

The bill:

H. 103. To amend section 878 of the Code of Alabama as amended by the act of September 25, 1915, relating to "The Alabama insane hospitals."

Was read a third time at length and passed.

Yeas, 28; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Kelly	Phillips
Baker	Craft	Leith	Prestwood
Beale	Ellis	Moore	Rogers (Lauderdale)
Bedsole	Espy	Morris	Sims
Briscoe	Gunter	McDowell	Smith (Coosa)
Brown	Harper	Nance	Tally
Butler	Huddleston	Norwood	West

—28

*Nays:*—None.

The bill:

H. 115. To amend an act approved August 18, 1909, providing for the holding of two terms each year of the circuit court of Marshall county at Albertville, and to make certain and more definitely define the jurisdiction of said court, and to provide for the method of procuring juries for said court.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Acker	Ellis	Miller	Prestwood
Baker	Espy	Moore	Rogers (Lauderdale)
Beale	Griffith	Morris	Rogers (Sumter)
Briscoe	Gunter	McDowell	Sims
Brown	Harper	Nance	Smith (Coosa)
Butler	Huddleston	Norwood	Tally
Cowan	Kelly	Phillips	West
Craft	Leith		

—30

Nays:—None.

The bill:

S. 127. To fix and limit the term of office of all officers of the State, of any political subdivision thereof, who hold office under appointment from the governor, and to authorize the governor to remove any officer of the State or any political subdivision thereof, who holds office under appointment by the governor, except county officers.

Was taken up.

The Standing Committee on Judiciary offered the following substitute for said bill, to-wit:

#### A BILL

To be entitled an act to authorize the governor to remove at his pleasure any officer or employee of the State or any political subdivision thereof, except counties and municipalities, where the office or employment is held under authority from the governor, but not to apply where an appointment is made to fill a vacancy in an elective office.

Be it enacted by the Legislature of Alabama:

Section 1. That the governor is hereby vested with authority to remove at his pleasure any officer or employee of the State or of any political subdivision thereof, except counties and municipalities, where the office or employment is held under the authority of the governor; that the right of removal may be exercised without regard to the term of office or employment pre-

scribed by the statute, provided, however, that no authority is hereby given to remove an officer appointed to fill the unexpired term of an officer elected by popular vote.

Section 2. All laws or parts of laws in conflict with this act are hereby repealed.

Mr. Acker offered the following amendment to said substitute:

Amend the title by adding at the end thereof the following words:

"And not to apply to any trustee of an educational institution when the appointment is confirmed by the Senate."

Which was adopted.

Yeas, 31; nays, 0.

*Yeas:*

Messrs:

Acker	Ellis	Leith	Prestwood
Baker	Espy	Miller	Rogers (Lauderdale)
Beale	Ewins	Moore	Rogers (Sumter)
Briscoe	Griffith	Morris	Sims
Brown	Gunter	McDowell	Smith (Coosa)
Butler	Harper	Nance	Tally
Cowan	Huddleston	Norwood	West
Craft	Kelly	Phillips	

—31

*Nays:*—None.

Mr. Acker also offered the following amendment to said substitute, to-wit:

Amend by adding to section one at the end of said section: "And no authority is given hereby to remove any trustee of an educational institution whose appointment is confirmed by the Senate."

Which was adopted.

Yeas, 32; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Kelly	Phillips
Baker	Ellis	Leith	Prestwood
Beale	Espy	Miller	Rogers (Lauderdale)
Bedsole	Ewins	Moore	Rogers (Sumter)
Briscoe	Griffith	Morris	Sims
Brown	Gunter	McDowell	Smith (Coosa)
Butler	Harper	Nance	Tally
Cowan	Huddleston	Norwood	West

—32

*Nays:*—None.

And said substitute, as thus amended, was adopted.

Yeas, 32; nays, 0.



*Yeas:*

Messrs:

Acker	Craft	Kelly	Phillips
Baker	Ellis	Leith	Prestwood
Beale	Espy	Miller	Rogers (Lauderdale)
Bedsale	Evins	Moore	Rogers (Sumter)
Briscoe	Griffith	Morris	Sims
Brown	Gunter	McDowell	Smith (Coosa)
Butler	Harper	Nance	Tally
Cowan	Huddleston	Norwood	West

—32

*Nays:*—None.

And said bill, as thus amended, was engrossed and read a third time at length.

Mr. Huddleston moved that the vote by which said bill was engrossed and read a third time be re-considered, which motion was lost, and said bill was then passed, as amended.

Yeas, 29; nays, 3.

*Yeas:*

Messrs:

Acker	Ellis	Leith	Phillips
Beale	Espy	Miller	Prestwood
Bedsale	Evins	Moore	Rogers (Lauderdale)
Briscoe	Griffith	Morris	Rogers (Sumter)
Brown	Gunter	McDowell	Sims
Butler	Harper	Nance	Smith (Coosa)
Cowan	Kelly	Norwood	West
Craft			

—29

*Nays:*

Messrs:

Baker	Huddleston	Tally
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—3

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the report of Conference Committee on the disagreement of the two houses on the House amendment to:

S. 70. To provide a better system of public roads for the county of Cullman, State of Alabama.

Said conference report being as follows:

#### REPORT OF CONFERENCE COMMITTEE ON SENATE BILL 70.

Mr. Speaker:

Your Committee on Conference on Senate bill No. 70 beg leave to submit the following report:

Your committee recommend that the House recede from the following amendment:

Amendment by Mr. Robertson of Cullman, as follows:

"To amend section 3 of the proposed bill as follows: That all hands within the required road age shall work at least eight days during each calendar year and not more than ten days, the time necessary to work to be under the absolute control of the beat commissioners of their respective beats throughout the county. This proposed bill shall become a law in full force and effect immediately on its passage, when signed and approved by the governor.

Respectfully submitted,

Geo. Ross.

A. M. Tunstall,

D. B. Cobbs,

Committee on the part of the House.

A. A. Griffith,

Marion H. Sims,

Committee on the part of the Senate.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

Mr. Beale offered the following joint resolution:

S. J. R. 37. Whereas, Dr. John Little, treasurer of "The Alabama insane hospitals," died on February 1, 1919, leaving the office of treasurer of the hospitals vacant, which cannot be filled for several days, which will cause inconvenience and suffering, now to relieve the hospitals and let them draw from the treasury the amount that the treasurer would have drawn:

Be it resolved by the Senate, the House concurring, That the State auditor is authorized and directed to draw a warrant in favor of James T. Searcy, superintendent, for the amount due the hospitals on February 1, 1919, and the State treasurer is authorized and required to pay the same to James T. Searcy, superintendent or order.

And moved a suspension of the rules and the immediate adoption of said resolution, which motion prevailed, and said resolution was, under a suspension of the rules, adopted.

. Yeas, 29; nays, 0.

Yeas:

Messrs:

Acker  
Baker  
Beale  
Bedsole  
Briscoe

Brown  
Butler  
Cowan  
Craft  
Ellis

Espy  
Gunter  
Harper  
Huddleston  
Kelly

Leith  
Miller  
Moore  
Morris  
McDowell

Nance	Prestwood	Rogers (Sumter)	Tally
Norwood	Rogers (Lauderdale)	Sims	West
Phillips			

—29

*Nays*:—None.

The resolution :

H. J. R. 31. Resolved by the House of Representatives, the Senate concurring:

1. There is hereby created a joint committee to be composed of three senators and five representatives, who are hereby authorized and required to examine and consider, during the recess of the Legislature, the compilation of all the existing statutes of Alabama, of a general nature, as compiled and submitted to this Legislature by Sam'l Will John.

2. The committee shall have authority to employ a skilled stenographer and typewriter who shall be paid such fair wages as the committee may be able to obtain such services for.

3. The committee shall consider any such proposition of the compiler, Sam'l Will John, to publish the statutes as a Code, and may agree upon the number and arrangement of the volumes, and upon the paper, type and binding, and the price to be paid by the State upon the delivery of the required number of sets of the Code to the governor and report a bill embodying all the terms of the contract, to the Legislature for consideration.

4. The presiding officer of the Senate shall appoint the senators and the Speaker shall appoint the representatives to be members of this committee. Any vacancy occurring in the membership of this committee shall be filled by the officer who appointed the member who vacated his membership on the committee.

5. This joint committee shall also consider the question of re-establishing the chancery courts and the proper recircuiting the circuit courts and report their conclusions thereon by bill or otherwise.

6. The Speaker of the House and the President pro tem of the Senate shall be ex-officio members of the committee.

Was taken up.

Mr. Acker offered the following amendment to said resolution:

That the joint committee created by the House joint resolution numbered 31, to consider, among other things, the compilation of the statutes of Alabama submitted by Samuel Will John, be and it is hereby authorized, empowered and directed to make a full survey of the entire judicial system of the State and to

report to this legislature, after the recess, recommendations, bills and laws for the improvement of the judicial system, with a particular view to the simplification of procedure in all the courts of the State and the economical printing and binding of the reports of the decisions of the Supreme Court.

Which was adopted.

Yeas, 30; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Miller	Prestwood
Baker	Ellis	Moore	Rogers (Lauderdale)
Beale	Espy	Morris	Rogers (Sumter)
Bedsole	Evins	McDowell	Sims
Briscoe	Harper	Nance	Smith (Coosa)
Brown	Huddleston	Norwood	Tally
Butler	Kelly	Phillips	West
Cowan	Leith		

—30

*Nays:*—None.

The Committee on Judiciary offered the following amendment to said resolution, to-wit:

Amend House joint resolution No. 31 by inserting the words in section one "or any other person or persons" next after the words "Sam Will John."

Amend section three by inserting the words "or any other person or persons" next after the words, "Sam Will John."

Which was adopted.

Yeas, 30; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Miller	Prestwood
Baker	Ellis	Moore	Rogers (Lauderdale)
Beale	Espy	Morris	Rogers (Sumter)
Bedsole	Evins	McDowell	Sims
Briscoe	Harper	Nance	Smith (Coosa)
Brown	Huddleston	Norwood	Tally
Butler	Kelly	Phillips	West
Cowan	Leith		

—30

*Nays:*—None.

And said resolution, as thus amended, was read a third time at length and adopted.

Yeas, 29; nays, 0.

*Yeas:*

Messrs:

Acker	Beale	Briscoe	Butler
Baker	Bedsole	Brown	Cowan

Craft	Leith	Nance	Rogers (Sumter)
Ellis	Miller	Norwood	Sims
Espy	Moore	Phillips	Smith (Coosa)
Evins	Morris	Prestwood	Tally
Harper	McDowell	Rogers (Lauderdale)	West
Kelly			

—29

*Nays*:—None.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills, beg leave to report, that said committee, in session, have compared the following enrolled bill, with the engrossed and original bill, respectively, and find same correctly enrolled, to-wit:

By Mr. Carmichael:

S. 89. To provide for the appointment of a commission to make a study of the public school system of Alabama and to make an appropriation therefor.

Chas. McDowell, Jr.,  
Chairman.

#### SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following bill:

S. 89. To provide for the appointment of a commission to make a study of the public school system of Alabama and to make an appropriation therefor.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 28. To amend section 883 of the Code of Alabama.

S. 74. To better secure the administration of the financial affairs of the State in respect to expenditures and appropriations; and for that purpose to establish a State budget commission, and prescribe rules and regulations governing the same.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President :

The House has concurred in the Senate amendments to:  
H. J. R. 31. Relative to a joint recess committee to consider  
the compilation of all existing statutes of Alabama.

Fred H. Gormley,  
Clerk.

## BILLS ON THIRD READING RESUMED.

The bill:

H. 39. To establish and provide for State-wide eradication  
of the cattle fever tick (*margaropus annulatus*) and any other  
tick that shall be found to carry a disease-producing infection to  
cattle or any other domestic animals.

Was taken up.

Pending the further consideration of said bill.

## RECESS.

On motion of Mr. Griffith, the Senate at 12:40 P. M., took a  
recess until 2:30 o'clock this afternoon.

## AFTERNOON SESSION.

Wednesday, February 5th, 1919.

The Senate re-assembled at 2:30 o'clock P. M.

## ROLL CALL.

On a call of the roll, 30 members answered to their names, a  
quorum of the Senate.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read  
one time and referred to appropriate standing committees, as  
follows:

By Mr. Bedsole:

S. 166. To prohibit the sale or offering for sale, of German  
made goods, or goods manufactured, either in whole or in part,  
in Germany, or in any of the states of the Imperial German  
Empire.

Commerce and Common Carriers.

By Mr. Griffith:

S. 167. Providing for the organization, operation, regulation and control of mutual insurance corporations or associations, without capital stock, insuring their members against loss by fire, lightning, tornado, windstorm and cyclone, or by any one or more of said causes.

Banking and Insurance.

By Mr. Griffith:

S. 168. To amend sections 8 and 10 of an act entitled "An act to regulate the fine and forfeiture of Cullman county, and to provide for the registration and payment of claims against said fund," approved September 25th, 1915.

Local Legislation.

With notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that the following bill will be introduced at the present session of the Legislature:

AN ACT

To amend sections eight and ten of an act entitled, "An act to regulate the fine and forfeiture of Cullman county, and provide for the registration and payment of claims against said fund," approved September 25th, 1915.

Be it enacted by the Legislature of Alabama:

Section 1. That section 8 of an act entitled, "An act to regulate the fine and forfeiture fund of Cullman county and provide for the registration and payment of claims against said fund," approved September 25th, 1915, be and the same is hereby amended so as to read as follows:

Section 8. That in all criminal cases disposed of since September 25th, 1915, and in all criminal cases in which execution has been returned, "No property found," where the fees have not been paid, and in all such cases after the passage of this act, witnesses before the grand juries and State witnesses in all criminal cases, and fees of the sheriff of Cullman county, the clerk of the circuit court and the county court in and for said county, in criminal cases where the State failed, or fails to convict, or in which defendants have been convicted, and have been proved insolvent by the return of execution, "No property found," or in cases in which the State enters a Nolle Prosequi, or where the indictment has been withdrawn and filed, or the prosecution abated by the death of the defendant, shall be paid out of the general fund of said county, as hereinafter provided.

Provided that the witness fees shall be seventy-five cents per day and two and one-half cents per mile under the provisions of this act.

Section 2. That section 10 of an act entitled an act to regulate the fine and forfeiture funds of Cullman county, and provide for the registration and payment of claims against said fund, approved September 25th, 1919, be and the same is hereby amended, so as to read as follows:

Section 10. That after the adjournment of the county court and the circuit court of Cullman county, the sheriff and the clerk of said courts shall file with the court of county commissioners of said county, a statement of all cases finally disposed of, where the State fails to convict, or in which

defendants have been convicted, and have been proved insolvent by the return of execution, 'No property found,' or in cases in which the State enters a Nolle Prosequi, or where the indictment has been withdrawn and filed, or the prosecution abated by the death of the defendant, showing the items of cost due them, the name of the defendant, and the charges against them.

Said statement shall be sworn to by the officer making same. If the court finds the account correct they shall order a warrant drawn on the county treasurer for the amount of such account.

And in all such cases disposed of since September 25th, 1915, where said fees have not been paid, such statement shall be filed by the sheriff and clerk, with the court of county commissioners within 90 days after the passage of this act.

And it shall be the duty of the county treasurer to pay the same out of the general funds of said county.

A. A. Rollo.  
O. S. Roden.  
J. W. Sparks.

The State of Alabama, }  
Cullman County.

Before me, W. O. Hill, a notary public and ex-officio justice of peace, in and for said county and State, personally appeared Mrs. J. R. Rosson, publisher of The Cullman Democrat, a weekly newspaper published in Cullman, Cullman county, Alabama, and being duly sworn, says that the notice of which the attached is a true copy, was published in said newspaper, once a week, for five successive weeks and being in the issues of said newspaper of the following dates, viz: December 26, 1918, January 2, 9, 16, 23, 1919.

Mrs. J. R. Rosson,  
Publisher.

Sworn to and subscribed before me this the 29th day of January, 1919.

(Seal.) W. O. Hill,  
N. J. & Ex-off. J. P.

By Mr. Acker:

S. 169. To amend subdivision 1 of section 3446 of the Code of Alabama 1907.

Judiciary.

By Mr. Craft:

S. 170. Authorizing and empowering municipalities in the State of Alabama to own, construct, lease, and operate electric street railways, interurban electric railways, and electric lighting and power plants, and hydro-electric power plants, and authorizing municipalities in this State to co-operate and combine and make contracts with each other and with municipalities in other states in the ownership, construction, leasing and operation of electric street railways, electric interurban railways and electric lighting and power plants and hydro-electric power plants; authorizing municipalities to purchase, acquire or lease existing interurban railways, and street railway systems; authorizing municipalities to mortgage electric street railways and interurban railways and power plants and to pledge the revenues



derived therefrom, and to issue bonds, secured by such mortgages and pledges; providing for a system of allotting and prorating the cost of electric interurban railways; providing for the election of commissioners by municipal governing bodies to represent such municipalities in the ownership, construction, leasing and management of interurban railways; providing that such commissioners shall keep a public record of their proceedings and publish the same, and providing for the exercise of the right of eminent domain by municipalities or by commissioners representing such municipalities.

Local Legislation.

By Mr. Gunter:

S. 171. To fix the salary of tax assessors in the counties having a population of over 82,000 and not exceeding 100,000 according to the last Federal census or any subsequent census, and allowances for clerical help in said offices, and to provide for payment thereof.

Local Legislation.

#### REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bedsole:

S. 131. To amend section 563 of the Code, relating to servants of the executive offices.

#### REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills beg leave to report that said committee, in session, have examined and compared the following engrossed bill with the original and find same correctly engrossed, to-wit:

S. 127. To authorize the governor to remove at his pleasure any officer or employee of the State or any political subdivision thereof, except counties and municipalities, where the office or employment is held under authority from the governor, but not to apply where an appointment is made to fill a vacancy in an elective office and not to apply to any trustee of an educational institution when the appointment is confirmed by the Senate.

R. B. Evins,  
Chairman.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in:

S. J. R. 37. Relative to the State auditor drawing warrant in favor of James T. Searcy, on February 1st, 1919, caused by the death of Dr. John Little, treasurer of the Alabama insane hospitals.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bills your signature thereto is requested:

H. 101. To repeal an act entitled an act to provide a more efficient system for opening, building, changing, constructing and working the public roads of Pickens county, etc., approved September 18th, 1915.

Also:

H. 102. To amend section 840 of the Code of Alabama, relating to "The Alabama insane hospitals," as amended by the act of September 25, 1915.

Also:

H. 103. To amend section 878 of the Code of Alabama as amended by the act of September 25th, 1915, relating to "The Alabama insane hospitals."

Also:

H. 115. To amend an act approved August 18, 1909, providing for the holding of two terms each year of the circuit court of Marshall county at Albertville, and to make certain and more definitely define the jurisdiction of said court, and to provide for the method of procuring juries for said court.

Fred H. Gormley,  
Clerk.

## SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their title had been publicly read at length by the Secretary of the Senate, signed the following bills:

H. 101. To repeal an act entitled an act to provide a more efficient system for opening, building, changing, constructing and working the public roads of Pickens county, etc., approved September 18th, 1915.

Also:

H. 102. To amend section 840 of the Code of Alabama, relating to "The Alabama insane hospitals," as amended by the act of September 25, 1915.

Also:

H. 103. To amend section 878 of the Code of Alabama as amended by the act of September 25th, 1915, relating to "The Alabama insane hospitals."

Also:

H. 115. To amend an act approved August 18, 1909, providing for the holding of two terms each year of the circuit court of Marshall county at Albertville, and to make certain and more definitely define the jurisdiction of said court, and to provide for the method of procuring juries for said court.

#### UNFINISHED BUSINESS.

The Senate proceeded to consider the unfinished business of the morning session, which was:

H. 39. To establish and provide for State-wide eradication of the cattle fever tick (*margaropus annulatus*) and any other tick that shall be found to carry a disease-producing infection to cattle or any other domestic animals.

And said bill was read a third time at length and passed.

Yeas, 27; nays, 3.

Yeas:

Messrs:

Acker	Craft	Miller	Rogers (Lauderdale)
Beale	Ellis	Moore	Rogers (Sumter)
Bedsole	Espy	Morris	Sims
Briscoe	Evins	McDowell	Smith (Coosa)
Brown	Griffith	Nance	Tally
Butler	Kelly	Norwood	West
Cowan	Leith	Phillips	

—27

Nays:

Messrs:

Baker	Harper	Prestwood
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—3

The bill:

S. 41. To amend section 153 of the Code of Alabama of 1907. Was taken up.

Mr. Prestwood offered the following amendment to said bill:

Amend by adding after the semi-colon following the word, "themselves," the following: "Provided, this shall not apply to interest on interest-bearing county warrants."

Yeas, 31; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Leith	Prestwood
Baker	Ellis	Miller	Rogers (Lauderdale)
Beale	Espy	Moore	Rogers (Sumter)
Bedsole	Evins	Morris	Sims
Briscoe	Griffith	McDowell	Smith (Coosa)
Brown	Harper	Nance	Tally
Butler	Huddleston	Norwood	West
Cowan	Kelly	Phillips	

—31

*Nays:*—None.

Mr. Briscoe offered the following amendment to said bill, to-wit:

Amend section 1 by striking out the words "heretofore and" where they now appear in the 5th line of said section.

Which was lost.

Yeas, 11; nays, 16.

*Yeas:*

Messrs:

Acker	Craft	Huddleston	Prestwood
Baker	Espy	Leith	West
Briscoe	Harper	Morris	

—11

*Nays:*

Messrs:

Beale	Evins	Moore	Rogers (Lauderdale)
Bedsole	Gunter	McDowell	Rogers (Sumter)
Butler	Kelly	Norwood	Sims
Ellis	Miller	Phillips	Tally

—16

Mr. Huddleston offered the following amendment to said bill, to-wit:

Amend after the words the "county stationery" and preceding the words "are to be preferred."

Premiums on the policies for insurance of the properties of the several counties.

Which was adopted.

Yeas, 27; nays, 1.

*Yeas:*

Messrs:

Acker	Ellis	Miller	Rogers (Lauderdale)
Baker	Espy	Moore	Rogers (Sumter)
Bedsole	Evins	Morris	Sims
Briscoe	Gunter	McDowell	Smith (Coosa)
Butler	Harper	Nance	Tally
Cowan	Huddleston	Norwood	West
Craft	Kelly	Prestwood	

—27

*Nays:* Mr. Leith—1.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 16; nays, 13.

*Yeas:*

Messrs:

Acker	Ellis	Miller	Phillips
Bedsole	Evins	Moore	Rogers (Lauderdale)
Butler	Gunter	McDowell	Rogers (Sumter)
Craft	Kelly	Norwood	Sims

—16

*Nays:*

Messrs:

Baker	Harper	Morris	Smith (Coosa)
Beale	Huddleston	Nance	Tally
Briscoe	Leith	Prestwood	West

—13

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown, and as amended, has passed:

S. 18. To authorize and empower all cities of the State of Alabama having more than 100,000 population according to the last or any subsequent Federal census to condemn or acquire by purchase or otherwise a right of way, easement or other interest in land for the purpose of connecting private property with the sanitary or storm sewerage system of any such city, and to assess the cost of the acquisition of such right of way, easement or other interest in such land, and the cost of constructing such connection against the property benefited thereby.

Also:

S. 19. To authorize and empower all cities of the State of Alabama which have a population of more than 100,000, according to the last or any subsequent Federal census, to construct, reconstruct, repair, renew or otherwise improve bridges, culverts and waterways, and to provide for an assessment of the cost thereof.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. West the Senate concurred in the following amendment by the House to Senate bill No. 18, the title of which is set out in the foregoing message from the House, to-wit:

Amend the bill by adding at the end:

"Provided nothing herein shall apply to proposed sewers of more than one thousand feet in length."

Yeas, 30; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Leith	Prestwood
Baker	Ellis	Miller	Rogers (Lauderdale)
Beale	Espy	Moore	Rogers (Sumter)
Bedsole	Evins	Morris	Sims
Briscoe	Gunter	McDowell	Smith (Coosa)
Brown	Harper	Norwood	Tally
Butler	Huddleston	Phillips	West
Cowan	Kelly		

—30

*Nays:*—None.

And on motion of Mr. West the Senate concurred in the following amendment by the House to Senate bill No. 19, the title of which is set out in the foregoing message from the House, to-wit:

Amend by adding at the end: "Provided the word 'bridges' as herein used shall not mean viaducts over railroad tracks."

Yeas, 30; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Leith	Prestwood
Baker	Ellis	Miller	Rogers (Lauderdale)
Beale	Espy	Moore	Rogers (Sumter)
Bedsole	Evins	Morris	Sims
Briscoe	Gunter	McDowell	Smith (Coosa)
Brown	Harper	Norwood	Tally
Butler	Huddleston	Phillips	West
Cowan	Kelly		

—30

*Nays:*—None.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills beg leave to report, that said committee, in session, have compared the following enrolled bills and resolution with the engrossed and original bills and resolution, respectively, and find same correctly enrolled, to-wit:

S. 28. To amend section 883 of the Code of Alabama.

S. J. R. 37. Relative to the Legislature of Alabama authorizing the State auditor to draw a warrant in favor of James T. Searcy, superintendent of the insane hospitals, for the amount due the hospitals February 1st, 1919, and authorizing the State treasurer to pay the same to James T. Searcy, superintendent.

Such proceedings having been brought about by the death of Dr. John Little, treasurer of the Alabama insane hospitals.

S. 70. To provide a better system of public roads for the county of Cullman, State of Alabama.

Chas. McDowell, Jr.,  
Chairman.

#### SIGNING OF BILLS AND RESOLUTION.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills and resolution:

S. 28. To amend section 883 of the Code of Alabama.

S. J. R. 37. Relative to the Legislature of Alabama authorizing the State auditor to draw a warrant in favor of James T. Searcy, superintendent of the insane hospitals, for the amount due the hospitals February 1st, 1919, and authorizing the State treasurer to pay the same to James T. Searcy, superintendent. Such proceedings having been brought about by the death of Dr. John Little, treasurer of the Alabama insane hospitals.

S. 70. To provide a better system of public roads for the county of Cullman, State of Alabama.

#### REPORT FROM RULES COMMITTEE.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House joint resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 19. Be it resolved by the House, the Senate concurring, That a joint committee be appointed, three from the House and two from the Senate, to visit the Soldiers' Home, and that their expenses be paid out of the State treasury.

And on motion of Mr. Acker said report was concurred in and said resolution was, under a suspension of the rules, adopted.

#### BILL RETURNED AND RE-REFERRED.

Mr. Acker, chairman of the Standing Committee on Rules, returned to the Senate, the bill:

S. 10. To appropriate the sum of seventy thousand (\$70,000.00) dollars for the payment of the amounts due by the State to the sheriffs of the counties in the State for feeding prisoners

in the county jails during the fiscal years 1916 and 1917, and which are unpaid.

With a recommendation that said bill be re-referred to the Standing Committee on Finance and Taxation.

Pursuant to such recommendation, the President of the Senate re-referred said bill to the Standing Committee on Finance and Taxation.

#### BILLS ON THIRD READING.

The bill:

S. 130. To authorize and empower all municipal corporations which may have heretofore regularly issued bonds as provided by law for all or any of the purposes of constructing a wharf or wharves, and a landing or landings, and purchasing such real estate as may be necessary for such wharf or wharves, and landing or landings, and the equipping and furnishing of the same, and improving of the water front, for such municipality, and within its limits, and for the purpose of securing the complete use and enjoyment of all said improvements for such municipality, to expend the proceeds of the sale of such bonds for the purpose of constructing a wharf or wharves, and a landing or landings, and purchasing such real estate as may be necessary for such wharf or wharves, and landing or landings, and the equipping and furnishing of the same and improving of the water front, for such municipality outside of its limits as well as within its limits, and within five miles of the corporate limits of such municipality, as such limits are now or may hereafter be established, and for the purpose of securing the complete use and enjoyment of all of said improvements for such municipality whether within or without its limits, and to repeal all laws or parts of laws in conflict with this act.

Was taken up.

Mr. Beale offered the following substitute for said bill, to-wit:

#### SUBSTITUTE FOR SENATE BILL NO. 130.

##### A BILL

To be entitled an act to authorize and empower all municipal corporations which may have heretofore regularly issued bonds as provided by law for all or any of the purposes of constructing a wharf or wharves, and a landing or landings, and purchasing such real estate as may be necessary for such wharf or wharves, and landing or landings, and the equipping and furnishing of the same, and improving the water front



for such municipality and within its limits, and for the purpose of securing the complete use and enjoyment of all of said improvements for such municipality, to expend the proceeds of the sale of such bonds for any or all the purposes of constructing a wharf or wharves, and a landing or landings and acquiring such real estate as may be necessary for such wharf or wharves and landing or landings by purchase or by condemnation proceedings in the manner provided by article 1, chapter 79 of the Code of Alabama of 1907; and of the equipping and furnishing of the same and improving of the water front for such municipality, outside of its limits, as well as within its limits and within five miles of the corporate limits of such municipality, as such limits are now or may hereafter be established, and for the purpose of securing for such municipality the complete use and enjoyment of all of said improvements whether within or without its limits, and to repeal all laws or parts of laws in conflict with this act.

Be it enacted by the Legislature of Alabama:

Section 1. That all municipal corporations which may have heretofore regularly issued bonds as provided by law for all or any of the purposes of constructing a wharf or wharves and a landing or landings, and purchasing such real estate as may be necessary for such wharf or wharves and landing or landings, and the equipping and furnishing of the same, and improving of the water front for such municipalities, be and they are hereby authorized and empowered to expend the proceeds of the sale of such bonds for all or any of the purposes of constructing a wharf or wharves, and a landing or landings, and acquiring such real estate as may be necessary for such wharf or wharves, landing or landings either by purchase or by condemnation proceedings in the manner provided by article 1, chapter 79 of the Code of Alabama of 1907; and of the equipping and furnishing of the same and improving of the water front for such municipality, outside of its limits as well as within its limits, and within five miles of the corporate limits of such municipality as such limits are now or may be hereafter established, and for the purpose of securing the complete use and enjoyment of all of said improvements for such municipality whether located within or without its limits.

Section 2. That all laws or parts of laws in conflict with any of the provisions of this act be and the same are hereby repealed.

Which was adopted.

Yeas, 30; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Leith	Phillips
Baker	Ellis	Miller	Prestwood
Beale	Espy	Moore	Rogers (Lauderdale)
Bedsole	Evins	Morris	Sims
Briscoe	Gunter	McDowell	Smith (Coosa)
Brown	Harper	Nance	Tally
Butler	Huddleston	Norwood	West
Cowan	Kelly		

—30

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Leith	Phillips
Baker	Ellis	Miller	Prestwood
Beale	Espy	Moore	Rogers (Lauderdale)
Bedsole	Evins	Morris	Sims
Briscoe	Gunter	McDowell	Smith (Coosa)
Brown	Harper	Nance	Tally
Butler	Huddleston	Norwood	West
Cowan	Kelly		

—30

*Nays:*—None.

## ADJOURNMENT.

On motion of Mr. Tally, the Senate at 5:00 o'clock P. M., adjourned until 10 o'clock tomorrow morning.

## FOURTEENTH DAY.

Thursday, February 6th, 1919.

The Senate met pursuant to adjournment, President Pro Tempore Bedsole presiding.

## PRAYER.

By Rev. Dr. Ingram, of the House.

## ROLL CALL.

Present:

Mr. President and

Messrs:

Acker	Craft	Kelly	Phillips
Baker	Ellis	Leith	Prestwood
Beale	Espy	Miller	Rogers (Lauderdale)
Bedsole	Evins	Moore	Rogers (Sumter)
Briscoe	Griffith	Morris	Sims
Brown	Gunter	McDowell	Smith (Coosa)
Butler	Harper	Nance	Tally
Cowan	Huddleston	Norwood	West

—32

## JOURNAL.

On motion of Mr. Smith of Coosa, the reading of the Journal of yesterday was dispensed with and same was approved by the Senate.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committee, as follows:

By Mr. McDowell:

S. 172. To provide for oral arguments and to regulate the practice of same on application for rehearing in the Supreme Court and the Court of Appeals of Alabama.

Judiciary.

By Mr. Phillips:

S. 173. Providing for the issuance of executions on judgments and decrees and the recording of the same and amending sections 4147, 4154, 4157 and 4158 of the Code of 1907.

Judiciary.

By Mr. Phillips:

S. 174. Providing for the appointment of non-residents of Alabama, as executors and administrators and guardians in proper cases.

Revision of Laws.

By Mr. Espy:

S. 175. To make an appropriation for tick eradication in Alabama.

Finance and Taxation.

By Mr. Craft (by request):

S. 176. To prohibit the shipment of oysters in the shell out of the State of Alabama by water, and provide for the culling of the oyster, when taken from the waters of the State, and prescribing who may take oysters from the waters, or shrimp from the waters of the State, and upon what terms, and prohibiting the catching or transportation of shrimp from the waters of this State, except by bona fide residents of the State for not less than one year, and requiring dealers in oysters to pay a license.

Fish, Game and Forestry.

#### REPORTS OF COMMITTEES.

Mr. Butler, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Acker:

S. 161. To authorize the issue of the bonds of the State to the amount of nine hundred and fifty-four thousand dollars for the purpose of refunding the bonds of the State maturing January 1st, 1920, issued under and by virtue of an act approved February 22, 1887, entitled, "An act to authorize the issue of the bonds of the State to the amount of nine hundred and fifty-four thousand dollars for the purpose of paying, taking up and cancelling the bonds of the State bearing six per cent per annum, issued under an act approved February 13, 1879, to provide for funding the domestic debt of the State," as amended by act approved February 27, 1889, to prescribe the rate of interest the said bonds shall bear, to fix the maturity thereof and to provide for the sale thereof.

By Mr. McDowell:

S. 10. To appropriate the sum of seventy thousand (\$70,000.00) dollars for the payment of the amounts due by the State to the sheriffs of the counties in the State for feeding prisoners

in the county jails during the fiscal years 1916 and 1917, and which are unpaid.

By Mr. Bedsole:

S. 132. To create the Alabama centennial commission, to prescribe its powers and duties, and to make an appropriation for the appropriate celebration, under the direction of the commission, of the one hundredth anniversary of the admission of Alabama into the Federal Union.

Mr. Espy, chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDowell:

S. 151. To amend section two of an act "To regulate the practice of veterinary medicine and surgery in the State of Alabama, and establish a veterinary medical examining board," approved March 17th, 1915.

By Mr. Faulk:

H. 43. To regulate the sale and offering for sale of fertilizers and fertilizer materials, to require same to be plainly tagged and marked as to the chemical elements thereof and the source of the same, and to provide a penalty for the violation thereof.

Mr. West, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Rogers of Lauderdale:

S. 162. To prohibit live stock from running at large in all counties of this State having a population according to the last Federal census of not less than 30,900 and not exceeding 30,975, and to provide a means for its enforcement, and to prescribe penalties for owners of live stock who knowingly or negligently permit them to run at large in such counties as may be affected by this act.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bill your signature thereto is requested:

H. 39. To establish and provide for State-wide eradication of the cattle fever tick (*margaropus annulatus*) and any other

tick that shall be found to carry a disease-producing infection to cattle or any other domestic animals.

Fred H. Gormley,  
Clerk.

#### SIGNING OF BILL.

The President of the Senate in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following bill:

H. 39. To establish and provide for State-wide eradication of the cattle fever tick (*margaropus annulatus*) and any other tick that shall be found to carry a disease-producing infection to cattle or any other domestic animals.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House joint resolution, your signature thereto is requested.

H. J. R. 31. Relative to a joint recess committee to consider the compilation of all existing statutes of Alabama.

Mr. President:

Fred H. Gormley,

#### SIGNING OF RESOLUTION.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following resolution:

H. J. R. 31. Relative to a joint recess committee to consider the compilation of all existing statutes of Alabama.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills, beg leave to report that said committee, in session, have compared the following enrolled bills, with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

S. 18. To authorize and empower all cities of the State of Alabama having more than 100,000 population according to the last or any subsequent Federal census to condemn or acquire

by purchase or otherwise, a right-of-way, easement or other interest in land for the purpose of connecting private property with the sanitary or storm sewerage system of any such city, and to assess the cost of the acquisition of such right-of-way, easement or other interest in such land, and the cost of constructing such connection, against the property benefited thereby.

S. 19. To authorize and empower all cities of the State of Alabama which have a population of more than 100,000, according to the last or any subsequent Federal census, to construct, reconstruct, repair, renew or otherwise improve bridges, culverts and waterways, and to provide for an assessment of the cost thereof.

S. 74. To better secure the administration of the financial affairs of the State in respect to expenditures and appropriations; and for that purpose to establish a State budget commission, and prescribe rules and regulations governing the same.

Chas. McDowell, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

S. 18. To authorize and empower all cities of the State of Alabama having more than 100,000 population according to the last or any subsequent Federal census to condemn or acquire by purchase or otherwise a right of way, easement or other interest in land for the purpose of connecting private property with the sanitary or storm sewerage system of any such city, and to assess the cost of the acquisition of such right of way, easement or other interest in such land, and the cost of constructing such connection against the property benefited thereby.

S. 19. To authorize and empower all cities of the State of Alabama which have a population of more than 100,000, according to the last or any subsequent Federal census, to construct, reconstruct, repair, renew or otherwise improve bridges, culverts and waterways, and to provide for an assessment of the cost thereof.

S. 74. To better secure the administration of the financial affairs of the State in respect to expenditures and appropriations; and for that purpose to establish a State budget commission, and prescribe rules and regulations governing the same.

## BILL TAKEN FROM ADVERSE CALENDAR.

Pursuant to notice heretofore given, Mr. McDowell moved to take from the adverse calendar, have the same read a second time and placed on the regular calendar for a third reading on tomorrow, the bill:

S. 78. To permit newspaper editors to accept free transportation from railroads in exchange for space and advertisements in their papers and to permit the free use of such railroad transportation on railroads in Alabama by the editors holding the same.

Which motion prevailed, and said bill was taken from the adverse calendar, read a second time, and placed on the regular calendar for a third reading on tomorrow.

## LEAVES OF ABSENCE.

Mr. Ellis moved that he be granted leave of absence for today and tomorrow, which was granted.

Mr. Kelly moved that he be granted leave of absence for this afternoon, which was granted.

## REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills beg leave to report that said committee, in session, have examined and compared the following engrossed bill with the original and find same correctly engrossed, to-wit:

S. 41. To amend section 153 of the Code of Alabama of 1907.

R. B. Evins,  
Chairman.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 222. To repeal an act of the Legislature of Alabama entitled "An act to provide a more efficient system for opening, building, changing, constructing and working the public roads of St. Clair county. A board of road commissioners provide for, their appointment, how made. Vacancies, how filled. Organization of such board, duties of the chairman, duties of the secretary-treasurer. Itemized account of receipts and disbursements to be published. Oath of office and bond to be given. Salaries provided for. Impeachment of the members of the board, how done. Authority, duties and powers of the board of road com-



missioners. Meetings, when and where held. Adoption of new laws, rules and regulations concerning the public roads, etc., and publication of same provided for. No person other than those sentenced to hard labor for the county shall be compelled to work on the public roads, etc. Per capita tax for road purposes provided for. Method of collecting the same to be provided by the board. Alphabetical list of those liable to such tax to be kept by beats. No exemption of property from payment of per capita tax. May be discharged by work under direction of the board. Misdemeanor to fail to pay such tax or to work eight days. Trials in name of State. Any person failing or refusing to discharge duties imposed guilty of misdemeanor. Penalties provided. Misdemeanor to violate the rules and regulations, etc., adopted by the board. Penalty for same. Court of county commissioners to levy special taxes for road purposes, how assessed and collected. Surplus in county treasury may be transferred to the board. Disposition of funds in hands of treasurer of board. Proceeds arising from bond issue, to be handled by such board. Condemnation proceedings provided. All rights, powers, duties, etc., on commissioners court with reference to public roads, etc., now conferred by general law of State available and applicable to such board of road commissioners. Repeal clause." Approved March 7th, 1911. (Local Acts, 1911, pages 78-89, inc.)

With notice and proof attached hereto and exhibited as follows:

#### EXHIBIT A.

##### NOTICE.

To whom it may concern:

Notice is hereby given that at the next session of the Legislature to be held beginning January 14th, 1919, a bill will be introduced to be enacted into law in substance as follows:

##### A BILL.

To be entitled an act, to repeal an act of the Legislature of Alabama entitled "An act, to provide a more efficient system for opening, building, changing, constructing and working the public roads of St. Clair county—a board of commissioners provide for, their appointment, how made. Vacancies, how filled. Organization of such board, duties of the chairman, duties of the secretary-treasurer. Itemized account of receipts and disbursements to be published. Oath of office and bond to be given. Salaries provided for. Impeachment of the members of the board, how done. Authority, duties and powers of the board of road commissioners. Meeting, when and where held. Adoption of new laws, rules and regulations concerning the public roads, etc., and publication of same provided for. No person other than those sentenced to hard labor for the county shall be compelled to work on the roads, etc. Per capita tax for road purposes provided for. Method of collecting the same to be provided by the board. Alphabetical list of those liable to

such tax to be kept by beats. No exemption of property from payment of per capita tax. May be discharged by work under direction of the board. Misdemeanor to fail to pay such tax or to work eight days. Trials in name of State. Any person failing or refusing to discharge duties imposed guilty of misdemeanor. Penalties provided. Misdemeanor to violate the rules and regulations, etc., adopted by the board. Penalty for same. Court of county commissioners to levy special taxes for road purposes, how assessed and collected. Surplus in county treasury may be transferred to the board. Disposition of funds in hands of treasurer of board. Proceeds arising from bond issue, to be handled by such board. Condemnation proceedings provided. All rights, powers, duties, etc., on commissioners court with reference to public roads, etc., now conferred by general law of State available and applicable to such board of road commissioners. Repeal clause." Approved March 7th, 1911. (Local Acts, 1911, pages 78-89, inc.)

Be it enacted by the Legislature of Alabama:

That an act entitled "An act to provide a more efficient system for opening, building, changing, constructing and working the public roads of St. Clair county—A board of road commissioners provide for, their appointment, how made. Vacancies, how filled. Organization of such board, duties of the chairman, duties of the secretary-treasurer. Itemized account or receipts and disbursements to be published. Oath of office and bond to be given. Salaries provided for. Impeachment of the members of the board, how done. Authority, duties and powers of the board of road commissioners. Meetings, when and where held. Adoption of new laws, rules and regulations concerning the public roads provided for. No person other than those sentenced to hard labor for the county shall be compelled to work on the public roads, etc. Per capita tax for road purposes provided for. Method of collecting same to be provided by the board. Alphabetical list of those liable to such tax to be kept by beats. No exemption of property from payment of per capita tax. May be discharged by work under direction of the board. Misdemeanor to fail to pay such tax or to work eight days. Trials in name of the State. Any person failing or refusing to discharge duties imposed, guilty of misdemeanor. Penalties provided. Misdemeanor to violate the rules and regulations, etc., adopted by the board. Penalty for same. Court of county commissioners to levy special taxes for road purposes, how assessed and collected. Surplus in county treasury may be transferred to the board. Disposition of funds in hands of treasurer of board. Proceeds arising from bond issue, to be handled by such board. Condemnation proceedings provided. All rights, powers, duties, etc., on commissioners court with reference to public roads, etc., now conferred by general law of State available and applicable to such board of road commissioners. Repeal clause," approved March 7th, 1911, be and the same is hereby repealed and annulled.

The State of Alabama, }  
St. Clair County. }

Before me, Pratt Spears, a notary public in and for said State and county, personally appeared Bays D. Cather, who being first duly sworn, deposes and says: That he is the publisher and manager of the Pell City Progress, a newspaper published at Pell City, St. Clair county, Alabama, at the times hereinafter mentioned, and that the notice of an introduction of a bill in the Legislature of Alabama providing for the repeal of an act of the Legislature of Alabama approved the 7th day of March, 1911, entitled "An act to provide a more efficient system of opening, building,

changing, constructing and working the public roads of St. Clair county" (Local Acts of Alabama, 1911, pages 78 et seq.), was published in said newspaper for four consecutive weeks on the following dates, to-wit: In the issues of said Pell City Progress dated the 2nd, 9th, 16th and 23rd days of January, 1919, a copy of which said notice is hereto attached, marked "Exhibit A" and made a part hereof.

Bays D. Cather,  
Publisher and Manager The Progress,  
Pell City, Ala.

Subscribed and sworn to before me, this 23 day of January, 1919.

Pratt Spears,  
Notary Public.

Also:

H. 175. To close and vacate Convenient street in the town of Marion, Alabama, from the southern line of S. A. Nelms' lot to the northern line of DeKalb street.

With notice and proof attached hereto and exhibited as follows:

#### NOTICE.

Notice is hereby given that Judson College will apply to the Alabama Legislature in its approaching session to pass an act closing Convenient Street in Marion, Alabama, from the southern line of S. A. Nelms' lot to the northern line of DeKalb street.

Paul V. Bomar,  
President.

The State of Alabama, }  
Perry County. }

Before me, the undersigned officer in and for said State and county, appeared Irby Pope, and being sworn deposes and says, that he is manager of the Marion Times-Standard, a newspaper published in the town of Marion, in Perry county, Alabama, and that the foregoing notice was published in said newspaper for four consecutive weeks prior to this date being published in said newspaper in the following issues, viz: December 19, 26, 1918; January 2, 9, 16, 1919.

Irby Pope.

Sworn to and subscribed before me this 17th day of January, 1919.

W. T. Harris,  
Judge of Probate in and for Perry County, Ala.

H. 215. For the relief of Joseph Espalla, Jr., A. S. Lyons and H. W. Fowler.

With notice and proof attached hereto and exhibited as follows:

#### NOTICE.

Notice is hereby given that a bill will be introduced at the next session of the Alabama Legislature, providing for the relief of Joseph Espalla, Jr., A. S. Lyons and H. W. Fowler, members of the board of equalization for Mobile county, Alabama, and providing for the payment to the said Joseph Espalla, Jr., the said A. S. Lyons and the said H. W. Fowler, of \$10.00 per day each, for time spent in the work of the said board of equalization for which they have received no remuneration, the time so spent and not paid

for being 95 days for the said Joseph Espalla, and 92 days for the said A. S. Lyons and H. W. Fowler, divided as follows: Sixteen days in April, twenty-four days in May, five days in June, twenty-six days in August, and one day in September, in the year 1916, and eighteen days in April, 1917, and in addition three days spent by the said Joseph Espalla in September, 1916, in the work of the said board.

State of Alabama, }  
Mobile County. }

Personally appeared before me Joseph A. Marque, Jr., a notary public in and for said State and county, E. V. O'Connor, who is known to me to be the editor and publisher of The Mobile Times-News, a newspaper published in the county of Mobile, Alabama, who being by me first duly sworn, deposes and says that the attached notice was published in said newspaper once a week for four consecutive weeks, namely, on the thirteenth, the twentieth and the twenty-seventh of December, 1918, and the third of January, 1919.

E. V. O'Connor.

Subscribed and sworn to before me this 11th day of January, 1919.

Joseph A. Marques, Jr.,

Notary Public, Mobile County, Alabama.

H. 246. To ratify, confirm, validate and make legal, effective and binding a certain county warrant issued by Lamar county, Alabama, at the November, 1916, adjourned term of the county commissioners court of Lamar county, Alabama, said warrant being dated December the 6th, 1916, payable to U. T. Propst for three thousand, six hundred and twenty-one and 70/100 (\$3,621.70) dollars, and bearing interest at six (6) per cent per annum, and being payable on January the first, 1923, and being signed by R. L. Bradley, judge of probate of said county, it being county warrant number 11,536, and to require and direct the treasurer, or the acting treasurer of said Lamar county, Alabama, to recognize and treat said warrant, in all things, as the legal and valid warrant of said Lamar county, Alabama.

With notice and proof attached hereto and exhibited as follows:

#### NOTICE.

The State of Alabama, }  
Lamar County. }

Notice is hereby given that a bill will be introduced in the Legislature of Alabama, 1919 session, to ratify, confirm and make legal and valid a certain county warrant of Lamar county, Alabama, which warrant is more particularly described as follows, to-wit, it being warrant number 11,536, for three thousand six hundred and twenty-one dollars and seventy cents, (\$3,621.70) and being issued at the November adjourned term, 1916, and dated December 6th, 1916, and payable to U. T. Propst, or order, and payable January the first, 1923, with six per cent interest, the interest payable annually, signed by R. L. Bradley, Judge of Probate, and to require and direct that the county treasurer or acting county treasurer of said Lamar county, Alabama, treat said warrant in all things as a legal, valid warrant

of said county. Notice is further given of the intention of the undersigned to ask the said Legislature to pass said bill.

This January the 4th, 1919.

U. T. Propst.

The State of Alabama, }  
Lamar County. }

Before me, J. C. Milner, a notary public, in and for the above named State and county, this day personally appeared C. S. McDougal, who being by me first duly sworn, deposes and says that he is editor and publisher of the Lamar Democrat, and also known to me to be editor and publisher of the Lamar Democrat, a newspaper published in Vernon, Lamar county, Alabama; affiant further deposes and says that the above notice has been published in said newspaper once a week for four consecutive weeks, before this date, it having been published in the issues of the 8th, 15th, 22nd and 29th of January, 1919.

C. S. McDougal,

Editor and Publisher of the Lamar Democrat.

Sworn to and subscribed this 29th day of January, 1919.

J. C. Milner,  
Notary Public.

H. 206. To authorize the court of county commissioners of Escambia county, Alabama, to support the paupers in the county without sending all of them to the poor house.

With notice and proof attached hereto and exhibited as follows:

#### LEGAL NOTICE.

Notice is hereby given, by publishing the words and figures of a proposed law hereto annexed once per week for four (4) consecutive weeks in a newspaper published in said Escambia county, Alabama, in the months of November and December, 1918, as required by the Constitution, of the intention of the undersigned to apply for the enactment of the following local law for Escambia county by the next Legislature of Alabama sitting at Montgomery.

Witness my hand at Atmore on this the 18th day of November, 1918.

Sidney M. Jones,  
County Representative.

#### A BILL

Entitled an act to authorize the court of county commissioners of Escambia county, Alabama, to support the paupers in the county without sending all of them to the poor house.

Be it enacted by the Legislature of Alabama:

Section 1. That upon the passage of this act the court of county commissioners of Escambia county shall have the power to decide which of the county poor shall be maintained inside or outside of the county poor house; that those who are entitled to maintenance outside shall be given a monthly or quarterly allowance as may be deemed necessary by the court, provided that all persons seeking maintenance with permission to reside outside the poor house shall file a petition with said court to that effect supported by proper affidavits and proof showing that it would be just, meritorious and economical for the county to make the allowance and grant the petition.

## PROOF OF PUBLICATION.

I, W. F. Higdon, the publisher of a weekly newspaper in Escambia county, Alabama, namely, The Atmore Record, do hereby state under oath that the annexed printed words and figures is a true copy of the publication in said newspaper and is clipped from one of the original issues of said newspaper and that said words and figures appeared in said newspaper for 4 consecutive weeks, on the following dates, to-wit: November 21st, 1918; November 28th, 1918; December 5th, 1918; December 12th, 1918.

I have personal knowledge of the foregoing facts and make this statement under oath, and that my cost bill of the same is \$11.03/100 Dollars.

W. F. Higdon,

Publisher of said newspaper.

Sworn and subscribed before me on this the 25th day of January, 1919.  
(Seal.) J. M. Northrop, N. T.

H. 161. To repeal an act to impose a license or privilege tax of one dollar a year on each dog in the State of Alabama, over four months of age, and to provide for the collection of such tax, so far as the same relates to Fayette county.

With notice and proof attached hereto and exhibited as follows:

## NOTICE OF LOCAL LAW.

Notice of the intention to apply therefor at the coming session of the Legislature of Alabama, which convenes on Tuesday, the 14th day of January, 1919, the following local law for Fayette county, Alabama, and to have the same passed and enacted at said session, the substance, essential and material parts thereof, and the bill in full as a part of this notice, being as follows:

## AN ACT

To repeal an act to impose a license or privilege tax of one dollar a year on each dog in the State of Alabama, over four months of age, and to provide for the collection of such tax, so far as the same relates to Fayette county.

Section 1. That the act entitled an act to impose a tax of one dollar a year on each dog in the State of Alabama, over four months of age, and to provide for the collection of such tax, and penalties for its violation, which said act was approved September 18, 1915 (General Acts 1915, page 599), be and the same is hereby repealed so far as the same relates to Fayette county, Alabama.

Robert F. Peters.

## PUBLISHER'S AFFIDAVIT.

The State of Alabama, }  
Fayette County. }

Before me, Alex Smith, judge of probate in and for said County, in State aforesaid, personally appeared T. A. Wilson, who, being duly sworn, doth depose and say that he is publisher of The Fayette Banner, a weekly newspaper published in the town of Fayette, State and county aforesaid, and that a certain advertisement (a true copy of which is hereto attached) has been published in said newspaper for 4 consecutive weeks prior to the 21st day of January, 1919, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit: No. 1, the 26th day of December, 1918; No. 2, the 2nd day of January, 1919;

No. 3, the 9th day of January, 1919; No. 4, the 16th day of January, 1919. And that there was no agreement between publisher and officer, and that the actual and lowest cost of said advertisement is \$-----, due and unpaid.

Turner A. Wilson,  
Publisher.

Sworn to and subscribed before me, this 21st day of January, 1919.  
Alex Smith,  
Judge of Probate.

Also:

H. 59. To fix the salary of the deputy circuit solicitor of Shelby county, Alabama, at seventy-five (\$75.00) dollars per month, payable out of the county treasury of Shelby county, Alabama, and to provide for the drawing of said warrant and making of said warrant for said salary a preferred claim against the treasury of said county.

With notice and proof attached hereto and exhibited as follows:

#### NOTICE.

To Whom It May Concern:

Notice is hereby given that a bill will be introduced in the Legislature of Alabama, which convenes in the city of Montgomery, Alabama, on the 14th day of January, 1919, to fix the salary of the deputy circuit solicitor for Shelby county, Alabama, at one hundred (\$100.00) dollars per month, payable monthly, out of the county treasury of Shelby county, Alabama, and to provide for the making of said claim or warrant a preferred claim against the treasury of said county.

Dated this the 12th day of December, 1918.

The State of Alabama, }  
Shelby County. }

Before me, John F. Averyt, clerk of the circuit court in and for said State and county, personally appeared R. E. Carter, whom being by me first duly sworn, deposes and says: That he is the editor and publisher of The Shelby County Sun, a newspaper published at Columbiana, in said State and county, and that the notice hereto attached was published for four consecutive weeks in said newspaper as follows, to-wit: December 12, 1918, December 19, 1918, December 26, 1918, and January 2, 1919.

R. E. Carter.  
Sworn to and subscribed before me this the 11 day of January, 1919.

(Seal.) John F. Averyt,  
Clerk of the Circuit Court for Shelby County, Ala.

Also:

H. 164. To provide for the payment of fees, charges and commissions of county officers, and fines and forfeitures into the general fund of the county, in counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

Also:

H. 124. To provide for the relief of William Wilson and to make an appropriation therefor.

Also:

H. 192. To provide for the establishment, construction, working and maintenance of private roads.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees, as follows:

H. 222, H. 175, H. 246, H. 206. To the Committee on Local Legislation.

H. 215, H. 161 and H. 124. To the Committee on Finance and Taxation.

H. 59 and H. 164. To the Committee on Judiciary.

H. 192. To the Committee on Public Roads and Highways.

#### BILLS ON THIRD READING.

The bill:

S. 42. To amend section 147 of the Code of Alabama of 1907.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; nays, 5.

*Yeas:*

Messrs:

Acker	Espy	Miller	Phillips
Bedsole	Evins	Moore	Prestwood
Brown	Griffith	Morris	Rogers (Lauderdale)
Butler	Gunter	McDowell	Sims
Cowan	Harper	Nance	Tally
Craft	Leith	Norwood	West
Ellis			

—25

*Nays:*

Messrs:

Baker	Briscoe	Huddleston	Smith (Coosa)
Beale			

—5

The bill:

S. 39. To amend section 146 of the Code of Alabama of 1907.

Was taken up.

Mr. Tally offered the following amendment to said bill, to-wit:

Amend the bill by striking out the following words: Words in the proviso:

"But in addition to all other privileges they shall be held to enjoy all the privileges of registered warrants from date of their



lawful issue and shall be held to be allowed claims from the date of their lawful issue."

Which was adopted.

Yeas, 25; nays, 3.

*Yeas:*

Messrs:			
Baker	Ellis	Moore	Rogers (Lauderdale)
Beale	Espy	McDowell	Rogers (Sumter)
Bedsole	Evins	Nance	Sims
Briscoe	Gunter	Norwood	Smith (Coosa)
Brown	Harper	Phillips	Tally
Butler	Miller	Prestwood	West
Craft			

—25

*Nays:*

Messrs:			
Griffith	Huddleston	Morris	

—3

And said bill, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 3.

*Yeas:*

Messrs:			
Acker	Ellis	Moore	Rogers (Lauderdale)
Beale	Espy	McDowell	Rogers (Sumter)
Bedsole	Evins	Nance	Sims
Briscoe	Griffith	Norwood	Smith (Coosa)
Brown	Gunter	Phillips	Tally
Butler	Harper	Prestwood	West
Cowan	Miller		

—26

*Nays:*

Messrs:			
Baker	Huddleston	Morris	

—3

The bill:

H. 77. To amend section 4650 of the Code of Alabama, 1907.

Was read a third time at length and passed.

Yeas, 31; nays, 0.

*Yeas:*

Messrs:			
Acker	Craft	Leith	Prestwood
Baker	Ellis	Miller	Rogers (Lauderdale)
Beale	Espy	Moore	Rogers (Sumter)
Bedsole	Evins	Morris	Sims
Briscoe	Griffith	McDowell	Smith (Coosa)
Brown	Gunter	Nance	Tally
Butler	Harper	Norwood	West
Cowan	Huddleston	Phillips	

—31

*Nays:*—None.

The bill:

S. 109. To provide for the acceptance of the benefits of an act passed by the Senate and House of Representatives of the United States of America, in Congress assembled, to provide for the promotion of vocational education, to provide for the appointment of a State board for vocational education, and to provide for the duties thereof; and to make appropriations for vocational education.

Was taken up.

The following amendment offered by the Standing Committee on Finance and Taxation, to-wit:

Amend Senate bill number 109 by striking out all of section 8 and inserting in lieu thereof the following:

8. That the State of Alabama shall appropriate a sum of money available for each fiscal year not less than the maximum sum which may be allotted to the State of Alabama for the purpose set forth in said Federal act and that there is hereby appropriated out of any moneys in the treasury not otherwise appropriated for the fiscal year ending September 30, 1919, the sum of twenty-five thousand dollars, this sum being approximately the proportionate part of the funds accruing to the State from the time of the passage of this act until the end of the present fiscal year; for the year ending September 30, 1920, the sum of sixty-six thousand dollars, this sum being the estimated amount required to match Federal funds for said year.

Was adopted.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Acker	Craft	Huddleston	Prestwood
Baker	Ellis	Miller	Rogers (Lauderdale)
Beale	Espy	Moore	Rogers (Sumter)
Bedsole	Evins	Morris	Sims
Briscoe	Griffith	McDowell	Smith (Coosa)
Brown	Gunter	Nance	Tally
Butler	Harper	Norwood	West
Cowan			

—29

Nays:—None.

And said bill, as thus amended, was read a third time at length, and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; nays, 0.

*Yeas:*

Messrs:

Baker	Craft	Leith	Rogers (Lauderdale)
Beale	Ellis	Miller	Rogers (Sumter)
Bedsole	Espy	Morris	Sims
Briscoe	Evins	McDowell	Smith (Coosa)
Brown	Griffith	Nance	Tally
Butler	Harper	Norwood	West
Cowan	Huddleston	Phillips	

—27

*Nays:*—None.

The bill:

S. 120. To provide that fraternal insurance contracts shall not be contested after it has been in force for two years for fraud or irregularities in the application, and that no misrepresentation or warranty in the negotiation of a contract of such insurance or in such contract of insurance, or application therefor, or proof of loss thereunder, shall defeat or avoid the policy, or prevent its attaching, unless made with actual intent to defraud or unless the matter misrepresented increase the risk of loss.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

*Yeas:*

Messrs:

Baker	Craft	Leith	Prestwood
Beale	Ellis	Moore	Rogers (Lauderdale)
Bedsole	Espy	Morris	Rogers (Sumter)
Briscoe	Evins	McDowell	Sims
Brown	Griffith	Nance	Smith (Coosa)
Butler	Harper	Norwood	Tally
Cowan	Huddleston	Phillips	West

—28

*Nays:*—None.

The bill:

S. 83. To amend section 1309 of the Code of Alabama, 1907.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

*Yeas:*

Messrs:

Baker	Craft	Moore	Rogers (Lauderdale)
Beale	Ellis	Morris	Rogers (Sumter)
Bedsole	Espy	McDowell	Sims
Briscoe	Evins	Nance	Smith (Coosa)
Brown	Griffith	Norwood	Tally
Butler	Harper	Phillips	West
Cowan	Huddleston		

—26

*Nays:*—None.

The bill:

S. 84. To amend section 3613 of the Code of Alabama, 1907, as amended March 29th, 1911.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

*Yeas:*

Messrs:

Baker	Craft	Morris	Rogers (Lauderdale)
Beale	Ellis	McDowell	Rogers (Sumter)
Bedsole	Espy	Nance	Sims
Briscoe	Griffith	Norwood	Smith (Coosa)
Brown	Harper	Phillips	Tally
Butler	Moore	Prestwood	West
Cowan			

—25

*Nays:*—None.

The bill:

S. 143. To create the office of assistant clerk of the inferior criminal court of Mobile county, prescribe his or her duties, fix his or her salary and provide for the method of selection for said office.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 0.

*Yeas:*

Messrs:

Baker	Craft	Miller	Rogers (Lauderdale)
Beale	Ellis	Moore	Rogers (Sumter)
Bedsole	Espy	Morris	Sims
Briscoe	Evins	McDowell	Smith (Coosa)
Brown	Griffith	Nance	Tally
Butler	Harper	Phillips	West
Cowan	Huddleston		

—26

*Nays:*—None.

#### BILL INDEFINITELY POSTPONED.

On motion of Mr. Beale, the further consideration of:

S. 50. To amend section 878 of the Code of Alabama as amended by the act of September 25th, 1915—relating to "The Alabama insane hospitals."

Was indefinitely postponed.

#### REPORT FROM COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Griffith, chairman of the Standing Committee on Revision of the Journal, reported that said committee, in session,

had examined the Journals of the Senate for the twelfth and thirteenth legislative days of the session, and find same contains the proper entries in reference to each bill and resolution contained therein, as required by the Constitution.

A. A. Griffith,  
Chairman.

#### COMMITTEE REPORT.

On motion of Mr. Griffith, the foregoing report from the Committee on Revision of the Journal was adopted, and the Journals of the Senate for the twelfth and thirteenth legislative days of the session, were approved by the Senate.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bill, your signature thereto is requested:

H. 77. To amend section 4650 of the Code of Alabama, 1907.  
Fred H. Gormley,  
Clerk.

#### SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following bill:

H. 77. To amend section 4650 of the Code of Alabama, 1907.

#### RECESS.

At 12:20 o'clock P. M., on motion of Mr. Morris, the Senate took a recess until 2:30 o'clock this afternoon.

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#### AFTERNOON SESSION—FOURTEENTH DAY.

Thursday, February 6th, 1919.

The Senate reassembled at 2:30 o'clock P. M., Lieutenant Governor Miller presiding.

#### ROLL CALL.

On a call of the roll 28 members answered to their names, a quorum of the Senate.

## COMMUNICATION FROM ALABAMA TUBERCULOSIS COMMISSION.

Lieutenant Governor Miller presented to the Senate the following communication from the Alabama Tuberculosis Commission:

Birmingham, Alabama, January 21st, 1919.

From: The Alabama Tuberculosis Commission.

To: The State Senate, care Lieutenant Governor N. L. Miller,  
Montgomery, Alabama.

*Gentlemen of the Senate:*

As secretary of the Alabama tuberculosis commission I am required by the law creating said commission, to report the election of new members thereof whose appointment is subject to your ratification.

I hereby, therefore, certify that the following members have been re-elected for the period indicated in each instance, as follows:

To serve till January 4th, 1920, Hon. A. R. Brindley and Hon. J. T. Ashcraft.

To serve till January 4th, 1921, Dr. R. C. Long and Dr. L. V. Stabler.

To serve till January 4th, 1922, Dr. Cabot Lull and Dr. B. L. Wyman.

It is within the purpose of the act creating this commission that we should draw the attention of the Senate and the people of Alabama to the fact that the means of making this body efficient was denied by the Legislature which created it. The commission was, therefore, dependent upon financial assistance of a voluntary kind from the Alabama Anti-Tuberculosis League. During no year since 1915, however, has the league been itself financially equal to its various tasks, and the commission has been able, therefore, to achieve nothing, since it was unable to employ the exclusive service of a field secretary.

It is urgently hoped by the commission that the present Legislature will bring the wheels of this organization into contact with the soil of Alabama by granting it the appropriation necessary to employ a trained personality who shall lead the people, county by county, in securing hospitals for those unfortunates who at home are often insufficiently fed and almost always insufficiently separated from their several households, thus securing the maximum of discomfort and the maximum of public danger. This commission, therefore, petitions your support of that measure.

On behalf of the Alabama tuberculosis commission, I have the honor of being, gentlemen,

Your obedient servant,  
Jno. Earls (?), Secretary,  
Alabama Tuberculosis Commission.

## COMMUNICATION.

On motion of Mr. Brown, the Senate confirmed the election of new members of the Alabama Tuberculosis Commission, for the periods as follows:

Hon. A. R. Brindley and Hon. J. T. Ashcraft, to serve until January 4th, 1920.

Dr. R. C. Long and Dr. L. V. Stabler, to serve until January 4th, 1921.

Dr. Cabot Lull and Dr. B. L. Wyman, to serve until January 4th, 1921.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Baker	Ellis	Miller	Prestwood
Beale	Espy	Moore	Rogers (Lauderdale)
Bedsole	Evins	Morris	Rogers (Sumter)
Briscoe	Griffith	McDowell	Sims
Brown	Gunter	Nance	Smith (Coosa)
Butler	Harper	Norwood	Tally
Craft	Kelly	Phillips	West

—28

Nays:—None.

And on motion of Mr. Brown, that part of said communication relating to financial assistance was referred to the Standing Committee on Finance and Taxation.

#### INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Bedsole:

S. 177. To prohibit the teaching, or use, of the German language in any State, or public educational institution in Alabama.  
Education.

By Mr. Evins:

S. 178. To amend section 6207 of the Code of 1907.

Judiciary.

By Mr. Evins:

S. 179. To further fix the qualifications of electors in all municipal elections for the election of officers and to provide for the making of poll lists in such municipal elections.

Privileges and Elections.

By Mr. Gunter:

S. 180. To regulate inferior courts or courts of common pleas, or by whatsoever name the same is known and called, in cities having as many as thirty-five thousand and less than fifty thousand population, according to the last or any subsequent Federal census; to provide and define the jurisdiction and powers of such courts; to provide for the judges and officers of such courts, and their powers, duties and compensation and to fix the fees and costs for such courts; to provide the rules of procedure for such courts, and for the operation thereof; and to provide for registering, and a lien for its judgments; and to abolish justices of the peace in such cities.

Local Legislation.

By Mr. Espy:

S. 181. To amend an act entitled an act "To provide for and regulate the manufacture and sale of 'commercial feeding stuffs' in Alabama; to further provide for the registration, tagging, sampling and analyzing 'commercial feeding stuffs' and to fix penalties for violations of this act," so as to regulate the sale of "commercial feeding stuffs;" to define the same, and to prohibit the adulteration thereof, to provide for their correct weight, sampling, analyses, and marketing; to authorize the commissioner of agriculture and industries to prescribe rules and regulations for carrying out the provisions of this act; to establish in the department of agriculture and industries a division of foods, feeds and drugs, to be charged with the execution of this act; to authorize the commissioner of agriculture and industries to appoint an assistant as supervisor of said division, and to appoint other necessary clerical assistants; to provide for the payment of salaries and expenses out of funds accruing hereunder; and to fix penalties for violation of this act.

Agriculture.

By Mr. Acker:

S. 182. To authorize and empower the governor of Alabama to make and publish rules and regulations for the re-organization of the National Guard in conformity to acts of Congress relating to the National Guard; to authorize the governor to take necessary steps towards procuring aid, equipment and appropriations from the Federal government for the National Guard.

Military.

By Mr. Acker:

S. 183. To regulate the appointment and prescribe the qualifications of staff officers, including pay, inspection, subsistence and medical departments in the National Guard.

Military.

By Mr. Acker:

S. 184. To amend section 577 of the Code, to read as follows:

Judiciary.

By Mr. Gunter:

S. 185. To amend section 6635 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Gunter:

S. 186. To amend section 3713 of the Code of Alabama of 1907.

Revision of Laws.



By Mr. West:

S. 187. To amend sections two, three and eight of an act approved September 22, 1915, "To amend article 31, chapter 41, of the Code of Alabama, 1907."

. Revision of Laws.

#### REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolutions and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Benners:

H. J. R. 33. Creating a joint recess committee consisting of representatives and senator from Jefferson county.

By Mr. Dickson:

H. J. R. 36. Memorializing Congress to strengthen immigration laws and the enforcement thereof.

By Mr. Rogers of Sumter:

S. J. R. 30. Be it resolved by the Senate of Alabama, the House concurring, That the Congress of the United States be asked to appropriate the sum of two hundred and fifty thousand dollars (\$250,000.00) to investigate and if possible to perfect a specific for the alimination of "flu."

By Mr. Leith:

S. J. R. 24. Resolved, That a joint committee of the Senate and the House of Representatives of the Alabama Legislature be appointed forthwith, which committee shall consist of two members of the Senate and three members of the House, and who shall report to this Legislature not later than its twenty-fifth legislative day a constructive and practical system for the employment by the State of all State and county convicts as a substitute for the present convict lease system.

#### ADVERSE REPORT.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and resolution and ordered same returned to the Senate with an adverse report:

By Mr. Baker:

S. 6. To amend section 914 of the Code of 1907 and to repeal all laws in conflict with this act.

By Mr. Kelly:

S. J. R. 25. Asking joint committee to consist of two from Senate and three from House, to study public road needs.

Mr. West, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. West:

S. 160. To prescribe the qualifications, duties and compensation of coroners in counties of this State of two hundred thousand inhabitants or more according to the last Federal census or any subsequent Federal census who may be hereafter elected and to provide for a deputy or an assistant coroner and to define and prescribe the powers and duties of such deputy or assistant, and to provide for the employment of a competent physician at any inquest held by such coroner or such deputy or such assistant, and to define and prescribe his duties and to fix his compensation and to provide for the employment of stenographer by such coroners.

By Mr. Carnley:

H. 126. To abolish the county court of Coffee county and the offices pertaining thereto.

By Mr. Lee of Perry:

H. 175. To close and vacate Convenient street in the town of Marion, Alabama, from the southern line of S. A. Nelms' lot to the northern line of DeKalb street.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 15. To amend section 6657 of the Code of Alabama.  
And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### BILLS ON THIRD READING.

The bill:

S. 134. To provide for the organization or admission and the regulation and taxation of incorporated mutual insurance companies, other than life.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Miller	Prestwood
Baker	Ellis	Moore	Rogers (Lauderdale)
Beale	Espy	Morris	Rogers (Sumter)
Bedsole	Evins	McDowell	Sims
Briscoe	Griffith	Nance	Smith (Coosa)
Brown	Gunter	Norwood	Tally
Butler	Harper	Phillips	West
Cowan	Kelly		

—30

*Nays:*—None.

The bill:

S. 69. To regulate the practice of public accountancy by creating a State board of public accountancy, fixing its fees and emoluments; to prohibit the unlawful use of words, letters or other means of identification by unauthorized persons, as certified public accountants under this act, and to provide penalties for the violation of its provisions.

Was taken up.

Mr. Bedsole offered the following amendment to said bill, to-wit:

Amend section 3 of Senate bill No. 69 as follows:

By substituting for the words "public accountancy" where the same occur in said section, the words, "practical accounting."

Also by inserting after the words, "branches of knowledge," the words, "pertaining to accountancy."

Also by adding at the end of said section the following:

"And the said board shall be required within 30 days after each examination to notify applicants who may have failed therein, of such failure, in what branch or branches deficiency was found."

Which was adopted.

*Yeas*, 27; *nays*, 0.

*Yeas:*

Messrs:

Acker	Cowan	Kelly	Phillips
Baker	Craft	Miller	Prestwood
Beale	Ellis	Moore	Rogers (Lauderdale)
Bedsole	Espy	Morris	Rogers (Sumter)
Briscoe	Griffith	McDowell	Tally
Brown	Gunter	Nance	West
Butler	Harper	Norwood	

—27

*Nays:*—None.

Mr. Bedsole also offered the following amendment to said bill, to-wit:

Amend section 4 of Senate bill No. 69 as follows: By striking out the following:

"except that the fee for each applicant filed within six months after the passage of this act shall not exceed \$10.00."

Which was adopted.

Yeas, 28; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Kelly	Phillips
Baker	Craft	Miller	Prestwood
Beale	Ellis	Moore	Rogers (Lauderdale)
Bedsole	Espy	Morris	Rogers (Sumter)
Briscoe	Griffith	McDowell	Smith (Coosa)
Brown	Gunter	Nance	Tally
Butler	Harper	Norwood	West

—28

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Miller	Prestwood
Baker	Ellis	Moore	Rogers (Lauderdale)
Beale	Espy	Morris	Rogers (Sumter)
Bedsole	Evins	McDowell	Sims
Briscoe	Griffith	Nance	Smith (Coosa)
Brown	Gunter	Norwood	Tally
Butler	Harper	Phillips	West
Cowan	Kelly		

—30

*Nays:*—None.

#### RESOLUTIONS.

Mr. Acker offered the following Senate joint resolution:

S. J. R. 38. Resolved by the Senate, the House concurring, That when the two houses adjourn on Friday, February 7th, 1919, that they adjourn to meet again at 10 o'clock A. M., on Tuesday, February 11th, 1919.

Resolved, That a public hearing on the workmen's compensation bill be had in the Supreme Court room beginning at 10 o'clock A. M., on Monday, February 10th, 1919, before a joint meeting of the Judiciary Committee of the House and the Committee on Mining and Manufactories of the Senate.

Resolved further, That all persons interested in the said workmen's compensation bill be, and they are hereby invited to appear at said meeting.

And Mr. Acker moved that the rules be suspended and said resolution put upon its immediate passage, which motion prevailed, and said resolution was, under a suspension of the rules, adopted.

Mr. Acker also offered the following Senate resolution:

S. R. 39. Resolved by the Senate, That consideration of Senate bill No. 53, which has been made a special, paramount, continuing order at 12 o'clock on the fifteenth legislative day, be postponed to 12 o'clock of the sixteenth legislative day, and that it shall be a special, paramount, continuing order at 12 o'clock of the sixteenth legislative day.

And Mr. Acker moved that the rules be suspended and said resolution be put upon its immediate passage, which motion prevailed, and said resolution was, under a suspension of the rules, adopted.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 97. To make an appropriation for the equipment and maintenance of the Alabama room in the Confederate memorial museum at Richmond, Virginia.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 23. To authorize municipalities to maintain a bill in equity in the name of the city to abate or enjoin a public nuisance injurious to the health, morals, comfort or welfare of the community.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 261. To fix the compensation of members of the courts of county commissioners and boards of revenue in all counties having a population of not less than twenty-four thousand seven hundred (24,700) and not more than twenty-five thousand (25,-

000) according to the Federal census of 1910 and provide for payment of same.

And sends same herewith to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee, as follows

H. 261. To the Committee on Local Legislation.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 201. To make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, and for the interest on the public debt, and for the public schools for that part of the fiscal year beginning April 1, 1919, and ending September 30, 1919.

And sends same herewith to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee, as follows:

H. 201. To the Committee on Finance and Taxation.

#### BILL AND RESOLUTION RETURNED AND RE-REFERRED.

Mr. Acker, chairman of the Standing Committee on Rules, returned to the Senate:

H. J. R. 10. Relative to the establishment of the Bankhead national highway.

And requested that it be re-referred to the Standing Committee on Public Roads and Highways. Pursuant to such request, the President of the Senate re-referred said resolution to the Standing Committee on Public Roads and Highways.

Also:

H. J. R. 37. Amending section 1 of resolution relative to establishment of the Bankhead national highway.

And requested that said resolution, H. J. R. 37, be re-referred to the Standing Committee on Public Roads and Highways. Pursuant to such request, the President of the Senate re-referred said

resolution, H. J. R. 37, to the Standing Committee on Public Roads and Highways.

And Mr. Acker, chairman of the Standing Committee on Rules, also returned to the Senate, the bill:

H. 163. To amend section 5 of an act to amend sections 6006, 1657, 1664 and 1669 of the Code so as to regulate the publishing of the reports of the Supreme Court, Court of Appeals, Acts, Journals and Public Printing, approved September 22, 1915.

And requested that said bill be re-referred to the Standing Committee on Printing. Pursuant to such request, the President of the Senate re-referred said bill to the Standing Committee on Printing.

#### BILLS ON THIRD READING RESUMED.

The bill:

S. 152. To provide for the clerk of the circuit court of Barbour county to be ex-officio clerk of the county court of Barbour county, to provide the compensation for his services, and to provide for the services of the sheriff of Barbour county in the county court, and to fix the compensation for his services in said court.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Acker	Espy	Miller	Prestwood
Baker	Evins	Moore	Rogers (Lauderdale)
Beale	Griffith	Morris	Rogers (Sumter)
Bedsole	Gunter	McDowell	Sims
Briscoe	Harper	Nance	Smith (Coosa)
Craft	Huddleston	Norwood	Tally
Ellis	Kelly	Phillips	West

—28

Nays:—None.

The bill:

H. 132. For the relief of J. H. Berry.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Acker	Briscoe	Espy	Harper
Baker	Cowan	Evins	Kelly
Beale	Craft	Griffith	Leith
Bedsole	Ellis	Gunter	Moore

Morris	Norwood	Rogers (Lauderdale)	Smith (Cboosa)
McDowell	Phillips	Rogers (Sumter)	Tally
Nance	Prestwood	Sims	West

—28

*Nays*:—None.

The bill:

H. 97. To repeal "An act to create a court to be known and called the inferior criminal court of Madison county to provide that the judge of the inferior court of Huntsville shall be ex-officio the judge of said court, and the clerk of the circuit court of Madison county, be ex-officio clerk of said court; that the solicitor of said county, if there be one, or the circuit solicitor or his deputy, shall represent the State in said court; that causes be appealed from said court to the Supreme or Appellate Court. Providing that the compensation of the judge, clerk and solicitor for the performance of their duties under this act, and to regulate the practice and procedure in the jurisdiction of said court, providing that all indictments for misdemeanors found in the circuit, except for violation of the liquor laws shall be transferred to this court." Approved September 16th, 1915, and to provide for the disposition of the papers, files, books and records of said inferior criminal court of Madison county.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

*Yeas*:

Messrs:

Acker	Ellis	Morris	Rogers (Lauderdale)
Baker	Espy	McDowell	Rogers (Sumter)
Bedsole	Evins	Nance	Sims
Briscoe	Harper	Norwood	Smith (Coosa)
Brown	Kelly	Phillips	Tally
Butler	Miller	Prestwood	West
Craft	Moore		

—26

*Nays*:—None.

The bill:

S. 136. To amend section 6050 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

*Yeas*:

Messrs:

Acker	Craft	Miller	Prestwood
Baker	Evins	Moore	Rogers (Lauderdale)
Beale	Griffith	Morris	Sims
Bedsole	Gunter	McDowell	Smith (Coosa)
Briscoe	Harper	Norwood	Tally
Brown	Leith	Phillips	West
Butler			

—25

*Nays*:—None.



The bill:

S. 139. To establish the eighteenth judicial circuit, to be composed of the counties of Calhoun and Cleburne; to provide for a judge and the appointment of a solicitor; to fix their compensation and to provide that a portion of the judge's salary be paid out of the county treasuries of the counties constituting said circuit.

Was read a third time at length and passed.

Yeas, 23; nays, 2.

Yeas:

Messrs:

Acker	Ellis	Miller	Rogers (Sumter)
Beale	Evins	Moore	Sims
Bedsole	Griffith	McDowell	Smith (Coosa)
Briscoe	Gunter	Phillips	Tally
Brown	Harper	Prestwood	West
Craft	Leith	Rogers (Lauderdale)	

—23

Nays:

Messrs:

Baker Morris

—2

The bill:

H. 25. To amend section 2566 of the Code of Alabama of 1907 to read as follows:

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Acker	Butler	Leith	Prestwood
Baker	Craft	Miller	Rogers (Lauderdale)
Beale	Evins	Morris	Sims
Bedsole	Griffith	McDowell	Smith (Coosa)
Briscoe	Gunter	Norwood	Tally
Brown	Harper	Phillips	West

—24

Nays:—None.

The bill:

H. 129. To authorize the court of county commissioners of Crenshaw county to pay out of general fund of the county for publishing notices as provided by section 106 of the Constitution of Alabama, of the proposed introduction in the Legislature of any local law, whenever the proposed law is for the common good of the people of Crenshaw county.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

*Yeas:*

*Messrs:*

Acker	Craft	Morris	Rogers (Sumter)
Baker	Ellis	Nance	Sims
Beale	Griffith	Norwood	Smith (Coosa)
Bedsole	Harper	Phillips	Tally
Brown	Miller	Prestwood	West
Butler	Moore	Rogers (Lauderdale)	

—23

*Nays:*—None.

The bill:

H. 42. To amend an act approved September 15th, 1915, entitled, "An act to require all county solicitors, all circuit solicitors, any solicitors of any court of record to give opinions to all county officials in all matters connected with their offices except in suits against official bonds."

Was read a third time at length and passed.

Yeas, 22; nays, 0.

*Yeas:*

*Messrs:*

Acker	Butler	Harper	Prestwood
Baker	Cowan	Miller	Sims
Beale	Craft	McDowell	Smith (Coosa)
Bedsole	Evins	Norwood	Tally
Briscoe	Griffith	Phillips	West
Brown	Gunter		

—22

*Nays:*—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 260. To fix the salary of the judge of the county court in all counties having a population of not less than twenty-four thousand, seven hundred (24,700) and not more than twenty-five thousand (25,000) according to the Federal census of 1910 and provide for the payment of same.

And sends same herewith to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee, as follows:

H. 260. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 278. To amend section 5 of an act entitled an act to create for Walker county, Alabama, the office of full-time health officer; to provide for the election of such health officer, and prescribe the terms of office, duties, salary and expenses of such officer, approved September 17, 1915.

And ordered the same sent forthwith to the Senate without engrossment and with notice and proof attached and herewith exhibited, as follows:

## NOTICE.

Notice is hereby given that application will be made to the approaching session of the Legislature of Alabama to amend section 5 of an act entitled, "An act to create for Walker county, Alabama, the office of full-time health officer; to provide for the election of such health officer, and prescribing the term of office, duties, salary and expenses of such officer," approved September 17, 1915, so as to read as follows:

'The salary of the health officer of Walker county, Alabama, shall be \$3,600.00 per annum; the same to be paid in monthly installments out of the general funds of Walker county, Alabama, and shall be a preferred claim against the county.'

Dr. A. M. Stovall.

State of Alabama, }  
Walker County. }

Before me, the undersigned authority in and for said county, personally appeared L. S. Richardson, who being by me duly sworn, deposes and says that he is the manager and publisher of the Mountain Eagle, a newspaper published at Jasper, in Walker county, Alabama; and that the foregoing and attached notice was published at length in said Mountain Eagle once a week for the four consecutive weeks next preceding this date.

L. S. Richardson.

Sworn to and subscribed before me, this, the 29th day of January, 1919.

Susan McCollum,  
Notary Public.

Fred H. Gormley,  
Clerk.

## HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee, as follows:

H. 278. To the Committee on Public Health.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in:

S. J. R. 38. Relative to adjournment from Friday afternoon until Tuesday, February 11th, at 10 o'clock A. M., also relative

to a joint meeting of the Judiciary Committee on Monday, February 10th.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### MESSAGE FROM THE HOUSE.

Mr. President:

Under House joint resolution No. 19, heretofore adopted, raising a joint committee to visit the Old Soldiers' Home, the Speaker ~~names~~ on the part of the House, Messrs. Lawson, Parker and Albright.

Fred H. Gormley,  
Clerk.

#### BILLS ON THIRD READING.

The bill:

S. 141. To authorize and empower the governor to employ an expert accountant to make a complete statement of the State's finances, showing all unpaid warrants outstanding, unpaid bills and accounts and the resources for the payment of the same.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Acker	Cowan	Leith	Phillips
Baker	Craft	Miller	Prestwood
Beale	Evins	Moore	Rogers (Lauderdale)
Bedsole	Griffith	Morris	Sims
Briscoe	Gunter	McDowell	Tally
Brown	Harper	Norwood	West
Butler	Kelly		

—26

Nays:—None.

The bill:

H. 131. For the relief of Camp Jones No. 317, United Confederate Veterans, and to require the county's proportion of the license money paid by said Camp Jones in March, 1917, to be refunded to it by the treasurer of Dallas county, or the person or corporation acting as such treasurer, and requiring the auditor of the State of Alabama to draw his warrant for the amount or proportion of said license money which the State received in favor of the commander of said Camp Jones, the total being the sum of \$139.98.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

*Yeas:*

*Messrs:*

Acker	Craft	Miller	Phillips
Baker	Evins	Moore	Prestwood
Beale	Gunter	Morris	Rogers (Lauderdale)
Bedsole	Harper	McDowell	Rogers (Sumter)
Briscoe	Kelly	Nance	Tally
Brown	Leith	Norwood	West
Cowan			

—25

*Nays:*—None.

The bill:

H. 96. To provide for the institution and prosecution of misdemeanors in the circuit court of Madison county, otherwise than by indictment by the grand jury.

Was read a third time at length and passed.

Yeas, 23; nays, 1.

*Yeas:*

*Messrs:*

Acker	Butler	Moore	Rogers (Lauderdale)
Baker	Cowan	Morris	Sims
Beale	Craft	McDowell	Smith (Coosa)
Bedsole	Harper	Nance	Tally
Briscoe	Leith	Norwood	West
Brown	Miller	Phillips	

—23

*Nays:* Mr. Evins—1.

The bill:

S. 107. To authorize a city of more than twelve thousand inhabitants and less than twenty-five thousand inhabitants, as shown by the last preceding census of the United States, having a tax rate of not more than one-half of one per cent to charge a reasonable annual rental for toilets on private premises connected with the sanitary sewers belonging to and maintained by the city; to make said charge a lien on the premises and to provide a method for the collection and enforcement of the same.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

*Yeas:*

*Messrs:*

Acker	Cowan	Miller	Prestwood
Baker	Craft	Moore	Rogers (Lauderdale)
Beale	Espy.	Morris	Sims
Bedsole	Evins	McDowell	Smith (Coosa)
Briscoe	Gunter	Norwood	Tally
Brown	Harper	Phillips	West
Butler	Leith		

—26

*Nays:*—None.

The bill:

S. 122. To provide that municipal corporations shall have a lien on the property used in any exhibition, trade, business, vocation, occupation or profession, for which a license is required, and to provide for the enforcement of such lien.

Was taken up.

Mr. West offered the following amendment to said bill, to-wit:

By striking out the words: "Through the chancery court," where said words appear together in the bill and inserting in lieu thereof the words: "In equity."

Which was adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Acker	Cowan	Miller	Prestwood
Baker	Craft	Moore	Rogers (Lauderdale)
Beale	Espy	Morris	Sims
Bedsole	Evins	McDowell	Smith (Coosa)
Briscoe	Gunter	Norwood	Tally
Brown	Harper	Phillips	West
Butler	Leith		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Acker	Cowan	Miller	Prestwood
Baker	Craft	Moore	Rogers (Lauderdale)
Beale	Evins	Morris	Sims
Bedsole	Gunter	McDowell	Smith (Coosa)
Briscoe	Harper	Norwood	Tally
Brown	Leith	Phillips	West
Butler			

—25

Nays:—None.

The bill:

S. 131. To amend section 563 of the Code, relating to servants of the executive offices.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Acker	Bedsole	Craft	Harper
Baker	Briscoe	Evins	Leith
Beale	Brown	Gunter	Miller

Moore	Nance	Prestwood	Smith (Coosa)
Morris	Norwood	Rogers (Lauderdale)	Tally
McDowell	Phillips	Sims	West

—24

*Nays*:—None.

The bill:

H. 9. To increase the jurisdiction of the mayor of Jackson, Alabama, and fix his compensation for the business transacted.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

*Yeas*:

Messrs:

Acker	Butler	Miller	Prestwood
Baker	Cowan	Moore	Rogers (Lauderdale)
Beale	Craft	Morris	Sims
Bedsole	Evins	McDowell	Smith (Coosa)
Briscoe	Harper	Norwood	Tally
Brown	Leith	Phillips	West

—24

*Nays*:—None.

The bill:

H. 45. To regulate the assessment of cost of public improvements against property by municipalities, and to provide a method by which assessments originally levied against a tract of land may be split and divided among the interested property owners, and providing for the correction of errors in the descriptions of ownerships, and for reducing the assessments before, pending appeal, or after an appeal has been decided, and authorizing the governing bodies of cities to settle and compromise cases of assessments or judgments thereon.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

*Yeas*:

Messrs:

Acker	Cowan	Moore	Prestwood
Baker	Gunter	Morris	Rogers (Lauderdale)
Beale	Harper	McDowell	Sims
Bedsole	Kelly	Nance	Smith (Coosa)
Briscoe	Leith	Norwood	Tally
Brown	Miller	Phillips	West
Butler			

—25

*Nays*:—None.

The bill:

H. 46. To authorize municipalities of the State to make contracts and agreements with other cities of the State for the inspection of dairies, milk, meats, and other food products.

Was read a third time at length and passed.  
Yeas, 23; nays, 0.

*Yeas:*

Messrs:

Acker	Butler	Miller	Rogers (Lauderdale)
Baker	Cowan	Morris	Sims
Beale	Craft	McDowell	Smith (Coosa)
Bedsole	Harper	Nance	Tally
Briscoe	Kelly	Norwood	West
Brown	Leith	Phillips	

—23

*Nays:*—None.

The bill:

S. 125. To repeal an act entitled an act to amend section 5838 of the Code of Alabama of 1907 as amended by an act of the Legislature of Alabama, approved August 20th, 1915.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Leith	Norwood
Baker	Espy	Miller	Prestwood
Beale	Evins	Moore	Rogers (Lauderdale)
Bedsole	Gunter	Morris	Sims
Briscoe	Harper	McDowell	Tally
Brown	Kelly	Nance	West
Butler			

—25

*Nays:*—None.

#### RESOLUTION.

Mr. Brown offered the following resolution:

S. J. R. 40. Whereas, the old Confederate veterans of the State of Alabama are decreasing in numbers rapidly, and in the next fifteen years by the law of nature most of them will have passed away; and,

Whereas, the people of the State of Alabama have been and are now enjoying great blessings from wealth and high-standing citizenship coming in a large measure from hardships and privations of these old Confederate veterans, it is the sense of this Legislature that every worthy Confederate veteran in Alabama should have a fixed monthly pension, to be paid quarterly the balance of his life, if he wants to accept it, except those who are being cared for by the Confederate Home.

Be it resolved, by the Senate of Alabama, and the House of Representatives concurring, That the budget commission will sit



during the split session of the present Legislature to consider financial conditions and make recommendations for the different needs of the State, be asked to consider the Confederate Veteran's cause, in that he may be better provided for financially the balance of his life.

Which was read and referred to the Standing Committee on Rules.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills beg leave to report that said committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

S. 15. To amend section 6657 of the Code of Alabama.

S. 97. To make an appropriation for the equipment and maintenance of the Alabama room in the Confederate memorial museum at Richmond, Virginia.

C. S. McDowell, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

S. 15. To amend section 6657 of the Code of Alabama of 1907.

S. 97. To make an appropriation for the equipment and maintenance of the Alabama room in the Confederate memorial museum at Richmond, Virginia.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 101. To create a State board of control and economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing the said board.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 100. To repeal an act "To authorize persons who have practiced dentistry or dental surgery in the State of Alabama for twenty years or more, to practice the same." Approved September 25, 1915.

And sends same herewith to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

## HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee, as follows:

H. 100. To Committee on Public Health.

## LEAVES OF ABSENCE.

On motion of Mr. Griffith, leave of absence was granted Mr. Huddleston for today and tomorrow.

On motion of Mr. Rogers of Lauderdale, he was granted leave of absence for tomorrow.

## ADJOURNMENT.

On motion of Mr. Morris, the Senate at 5:05 o'clock P. M., adjourned until 10 o'clock tomorrow morning.

## FIFTEENTH DAY.

Friday, February 7, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

## PRAYER.

By Rev. Dr. Wilkinson, of Montgomery.

## ROLL CALL.

## Present:

Mr. President and  
Messrs:

Acker	Espy	Leith	Phillips
Baker	Evins	Miller	Prestwood
Beale	Griffith	Moore	Rogers (Sumter)
Briscoe	Gunter	Morris	Sims
Brown	Harper	McDowell	Smith (Coosa)
Butler	Huddleston	Nance	Tally
Cowan	Kelly	Norwood	West
Craft			

—29

## JOURNAL.

On motion of Mr. Smith of Coosa, the reading of the Journal of yesterday was dispensed with and same was approved by the Senate.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Sims:

S. 188. To provide for the dissolution of municipal corporations having population of less than 500 inhabitants.

Judiciary.

By Mr. West:

S. 189. To authorize the board of revenue of Jefferson county to employ attorneys, and fix their compensation.

Local Legislation.

With notice and proof thereto attached and herewith exhibited, as follows:

## NOTICE OF LOCAL LAW.

Notice is hereby given of the intention to apply to the Legislature of Alabama next to convene for the passage of a local law for Jefferson county, in substance as follows:

## AN ACT.

Entitled an act to authorize the board of revenue of Jefferson county to employ attorneys and fix their compensation.

Be it enacted by the Legislature of Alabama:

Section 1. That, from and after the passage and approval of this act, the board of revenue of Jefferson county, shall be and is hereby authorized to employ an attorney for such length of time as it shall deem proper, not exceeding the term of such board, whose entire time shall be devoted to county business; and such assistant attorneys as said board may deem necessary, to prosecute and defend all suits, in behalf of or in which said county may be interested other than crimes and misdemeanors, and matters of a quasi criminal nature, whose duty shall be to render legal opinions to said board, and to attend to any and all matters of a legal nature, that said board may direct pertaining to the administration of the various offices of said county, except such matters and duties as are by law placed upon the circuit solicitors and his assistant.

Sec. 2. That said board shall provide an office at the court house for such attorney, which shall be supplied at the expense of the county with such stationery, furniture, and conveniences as said board may deem necessary.

Sec. 3. That said board may, if it deems necessary furnish, at the expense of the county said attorney with a stenographer and such clerical help as it may deem necessary for the transaction of business of the county administered by said attorney.

Sec. 4. That the compensation of such attorney shall be \$4,500.00 per annum payable in monthly installments by warrants drawn on the county treasury by said board, and the compensation or assistant attorneys shall be fixed by such board for each service performed, or by the day, week or month, as said board may deem proper.

Sec. 5. That this law shall go into effect immediately upon its approval by the governor.

State of Alabama, }  
Jefferson County. }

Before me, D. C. Ball, a notary public in and for said county and State, personally appeared L. P. Hill, who being first duly sworn, deposes and says that he is editor and proprietor of the Ensley Enterprise, a weekly newspaper, published in said county, and that the publication of a certain notice, of which the foregoing is a true copy, has been published in said paper for four consecutive weeks, to-wit, on the 21st day of December, 1918, on the 28th December, 1918, on the 4th day of January, 1919, and on the 11th day of January, 1919.

L. P. Hill.

Sworn to and subscribed before me on the 11th day of January, 1919.

D. C. Ball,

Notary Public.

(Seal.)

By Mr. Kelly:

S. 190. To submit to the qualified electors of the State, at the general election to be held in November, 1920, for their consideration an amendment to the Constitution for the purpose of authorizing the several counties of the State and the several road districts of any county which may now exist, or which may hereafter be created by the courts of county commissioners or boards

of revenue of said counties, to levy and collect a special road and bridge tax not exceeding twenty-five cents on each one hundred dollars worth of taxable property in such counties and in the several districts of any county, under such regulations as the Legislature may have prescribed or may hereafter prescribe. (This bill was read at length as required by the Constitution.)

Constitution and Constitutional Revision and Amendments.

By Mr. McDowell:

S. 191. To appropriate the sum of two thousand two hundred fifteen and 76/100 (\$2,215.76) dollars for the relief of the board of inspectors of convicts for coal furnished the legislative and other departments of government, up to January 23rd, 1919.  
Finance and Taxation.

By Mr. Evins:

S. 192. To provide that the clerks of the circuit court in each of the respective counties in this State shall be ex-officio the clerk of the county court in such county; to fix his duties as such ex-officio clerk and to provide for his compensation.

Judiciary.

By Mr. Phillips (by request):

S. 193. To provide for the dissolution of religious and social corporations.

Corporations.

#### REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Harper (with substitute):

By Mr. Harper:

S. 95. To amend sections 2 and 3 of an act entitled "An act to establish a board of revenue for Shelby county, and to abolish the court of county commissioners thereof," passed at the session of 1911, being in Local Acts of Alabama, page 154, said amendment making the president and members of said board elective by the qualified voters of said county, and fixing the term of office of said president and members of said board and the time of their election and providing that in case of a vacancy in the office of president or a member of said board, the vacancy shall be filled by election by a majority of the members of the board, for the unexpired term; and providing further that the president and members of the board now holding office shall hold their said office until their successors are elected and qualified under the provisions of this act.

Mr. Smith, chairman of the Standing Committee on Military, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Ross:

H. J. R. 28. Asking the proper authorities of the United States to use all available means to expedite the return of all American troops whose presence is not absolutely required overseas and to hasten demobilization of all troops now in camp in the United States.

By Mr. Acker:

S. 182. To authorize and empower the governor of Alabama to make and publish rules and regulations for the reorganization of the National Guard in conformity to acts of Congress relating to the National Guard; to authorize the governor to take necessary steps towards procuring aid, equipment and appropriations from the Federal government for the National Guard.

By Mr. Acker:

S. 183. To regulate the appointment and prescribe the qualifications of staff officers, including pay, inspection, subsistence and medical departments in the National Guard.

Mr. Cowan, chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Jones of Montgomery:

H. 100. To repeal an act "To authorize persons who have practiced dentistry or dental surgery in the State of Alabama for twenty years or more, to practice the same," approved September 25, 1915.

Mr. West, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gunter:

S. 180. To regulate inferior courts or courts of common pleas, or by whatsoever name the same is known and called, in cities having as many as thirty-five thousand, and less than fifty thousand population, according to the last or any subsequent Federal census; to provide and define the jurisdiction and powers of

such courts; to provide for the judges and officers of such courts, and their powers, duties and compensation and to fix the fees and costs for such courts; to provide the rules of procedure for such courts, and for the operation thereof; and to provide for registering, and a lien for its judgments; and to abolish justices of the peace in such cities.

By Mr. Green of Dallas:

H. 134. For the relief of T. W. Barker:

Mr. Espy, chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, to-wit:

By Mr. Espy:

S. 181. To amend an act entitled an act "To provide for and regulate the manufacture and sale of 'commercial feeding stuffs' in Alabama; to further provide for the registration, tagging, sampling and analyzing 'commercial feeding stuffs' and to fix penalties for violations of this act," so as to regulate the sale of "commercial feeding stuffs;" to define the same, and to prohibit the adulteration thereof, to provide for their correct weight, sampling, analyses, and marketing; to authorize the commissioner of agriculture and industries to prescribe rules and regulations for carrying out the provisions of this act; to establish in the department of agriculture and industries a division of foods, feeds and drugs, to be charged with the execution of this act; to authorize the commissioner of agriculture and industries to appoint an assistant as supervisor of said division, and to appoint other necessary clerical assistants; to provide for the payment of salaries and expenses out of funds accruing hereunder; and to fix penalties for violation of this act.

Which was read a second time, and on motion of Mr. Espy, said bill was, under a suspension of the rules, ordered placed on the calendar without being re-referred to the Standing Committee on Finance and Taxation.

Mr. Moore, chairman of the Standing Committee on Fish, Game and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Craft (by request):

S. 176. To prohibit the shipment of oysters in the shell out of the State of Alabama by water, and provide for the culling of the oysters when taken from the waters of the State, and pre-

scribing who may take oysters from the waters, or shrimp from the waters of the State, and upon what terms, and prohibiting the catching or transportation of shrimp from the waters of this State, except by bona fide residents of the State for not less than one year, and requiring dealers in oysters to pay a license.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Acker:

S. 108. To authorize the trial court to impose the indeterminate sentence in all felonies for which the court fixes the punishment; to provide for the parole of convicts under indeterminate sentence and to authorize the board of pardons to establish rules in the matter of paroles.

By Mr. Evins:

S. 178. To amend section 6207 of the Code of 1907.

By Mr. Craft:

S. 148. To grant to the United States government a site for a maritime quarantine station, including the conveyance of needful soil now or heretofore covered by navigable waters of the State of Alabama, and to cede jurisdiction thereof.

By Mr. Acker:

S. 169. To amend subdivision 1 of section 3446 of the Code of Alabama 1907.

By Mr. Acker:

S. 184. To amend section 577 of the Code to read as follows:

By Mr. Baker:

S. 155. To amend section 1217 of the Code of 1907.

By Mr. Briscoe:

S. 164. To provide that jury commissioners in counties having a population of fifty thousand or less shall elect one of its number to act as secretary, or clerk of the commission and to provide that no extra compensation for such services be allowed.

By Mr. Brown (with amendment):

S. J. R. 40. Relates to pensions for Confederate veterans.

#### PERSONAL PRIVILEGE.

Mr. McDowell moved that the following explanation of his objection to the immediate consideration of resolution No. 40, offered by Mr. Brown on yesterday, be spread on the Journal, which motion prevailed, and the Secretary was ordered to spread said explanation on the Journal, as follows:



"I feel that this State should appropriate every dollar possible to the Confederate veterans, but the amount appropriated is so small and the present pensions so meager, I cannot agree that every soldier should have a pension, whether needy or not, because it will decrease the present pensions of the real needy soldier by dividing among so many."

Chas. McDowell, Jr.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 247. To authorize and require all funds now in the county treasury or county depository of Marengo county, belonging to the Marengo law and equity court fine and forfeiture fund, or which may now be due to, or which may hereafter accrue to the said fund, to be paid into the fine and forfeiture fund of Marengo county, and to authorize and require all lawful claims against said Marengo law and equity court fine and forfeiture fund to be registered against the fine and forfeiture fund of Marengo county, and to be paid therefrom in the order of their registration, against the said fine and forfeiture fund.

With notice and proof attached hereto and exhibited as follows:

#### NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama at the session of 1919 for the passage of a local law for Marengo county, Alabama, the substance of which proposed law is as follows:

"An act to authorize and require all funds now in the county depository, or treasury of Marengo county, belonging to the Marengo law and equity court fine and forfeiture fund, or which may now be due to or which may hereafter accrue to the said fund from any and all sources, to be paid into the fine and forfeiture fund of Marengo county, and to authorize and require all lawful claims against said Marengo law and equity court fine and forfeiture fund to be registered against the fine and forfeiture fund of Marengo county and be paid therefrom in the order of their registration against said fine and forfeiture fund."

The State of Alabama, }  
Marengo County. }

Before me, H. F. Little, a notary public, in and for said county in said State, personally appeared R. E. Sutton, who being by me first duly sworn, deposes and says as follows:

1. That he is the publisher of the Democrat-Reporter, a newspaper published weekly at Linden, Marengo county, Alabama.

2. That the notice hereto attached and marked exhibit "A" was published in the issues of said paper for four consecutive weeks as follows: On January 2, 1919, January 9, 1919, January 16, 1919, and January 23, 1919, and that the fee for such publication has been paid to me.

R. E. Sutton.

Sworn to and subscribed before me, this the 28th day of January, 1919.  
H. F. Little,  
Notary Public.

Also:

H. 156. To repeal an act entitled, "An act to provide for the more efficient working of the public roads of Crenshaw county, Alabama, and to provide that the court of county commissioners, in its discretion, levy a road tax, a vehicle tax, and a dog tax, the proceeds therefrom to be applied to the maintenance of the public roads of said county approved September 22, 1915, Local Acts 1915, pages 403-405." (Public Roads and Highways.)

With notice and proof attached hereto and exhibited as follows:

#### NOTICE.

Notice is hereby given that at the coming session of the Legislature, the following bill will be introduced for passage and enactment into law:

#### AN ACT

To repeal an act, entitled 'An act to provide for the more efficient working of the public roads of Crenshaw county, Alabama, and to provide that the court of county commissioners, in its discretion, levy a road tax, a vehicle tax, and a dog tax, the proceeds therefrom to be applied to the maintenance of the public roads of said county approved September 22nd, 1915, Local Acts 1915, pp. 403-405.

Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled 'An act to provide for the more efficient working of the public roads of Crenshaw county, Alabama, and to provide that the court of county commissioners, in its discretion levy a road tax, a vehicle tax, and a dog tax, the proceeds therefrom to be applied to the maintenance of the public roads of said county,' approved September 22nd, 1915, Local Acts 1915, pp. 403-405, be and the same is hereby repealed.

Section 2. That the provisions of this act shall become effective on its approval by the governor.

Section 3. That all laws and parts of laws in conflict with this act be and they are hereby repealed.

W. H. Stoddard,  
Representative for Crenshaw County.

#### AFFIDAVIT OF PUBLICATION.

I, C. L. Kettler, publisher of the Crenshaw County News, a newspaper published weekly at Luverne, Crenshaw county, Alabama, do solemnly swear that a copy of the above notice, as per clipping attached, was published once a week in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated December 19th, 1918, and ending with the issue dated January 9th, 1919.

C. L. Kettler.  
Subscribed and sworn to before me this 11th day of January, 1919.  
John F. Walker,  
Judge of Probate.

Also:

H. 240. To abolish the county court of Covington county, and to transfer all causes, papers and records of said county court into the circuit court of Covington county for determination and to repeal all laws, general, special or local, in conflict with the said act insofar as they relate to Covington county.

With notice and proof attached hereto and exhibited as follows:

#### NOTICE.

A bill will be introduced in the Legislature of Alabama, at its next regular session convening in January, 1919, and enacted into a law for Covington county, Alabama, abolishing the county court of said county and providing for the transfer of all causes then pending in said court into the circuit court of Covington county for determination and providing for the repeal of all laws, both general and special, in conflict with the abolishment of said county court in so far as they relate to Covington county, Alabama.

The State of Alabama, }  
Covington County. }

I, H. J. Brogden, clerk of circuit court for said county and State, hereby certify that on this day in said county personally appeared before me, Oscar M. Dugger, who is known to me, and who, being by me first duly sworn, doth on oath depose and say: That I am the publisher and editor of the Andalusia Star, a semi-weekly newspaper published regularly twice each week in Andalusia, said county and State, and that the above and foregoing notice to abolish the office of the county court for Covington county, Alabama, as is copied and set out above, was regularly published for four consecutive weeks, in said newspaper in said county, beginning on and in the issue of said newspaper of January 7th, 1919, and appearing in said paper regularly on January 7th, 1919, January 14th, 1919, January 21st, 1919, and January 28th, 1919.

Oscar M. Dugger.

Sworn to and subscribed before me this the 29th day of January, 1919.

(Seal.) Clerk of the Circuit Court of Covington County, Alabama.  
H. J. Brogden,

Also:

H. 207. To authorize officers of Escambia county to record and provide suitable books for recording abstracts of title to any parcel or tract of land in said county and to fix the charges for reimbursing the cost of the same.

With notice and proof attached hereto and exhibited as follows:

#### LEGAL NOTICE.

Notice is hereby given by publishing the substance of a proposed law hereto annexed once per week for four consecutive weeks in a newspaper published in said Escambia county, Alabama, in the months of December and January, 1918-1919, as required by the Constitution, of the intention of the undersigned to apply for the enactment of the following local law for Escambia county by the next Legislature of Alabama, sitting at Montgomery.

Witness my hand at Atmore, Alabama, December 14, 1918.

Sidney M. Jones,  
County Representative.

A BILL

Entitled "An act" to authorize officers of Escambia county to record and provide suitable books for recording abstracts of title to any parcel or tract of land in said county and to fix the charges for reimbursing the cost of the same.

Be it enacted by the Legislature of Alabama:

Section I. That after the passage of this act the court of county commissioners of Escambia county will be authorized to provide the probate judge with a suitable set of books to be kept in his office for recording, and it shall be his duty to record when required by the court, all abstracts of title to land or abstracts of conveyances, or written instruments affecting the title to lands in said county, when such abstracts are filed in his office for record; that said books may also show, with the aid of printed forms, abstracts of all conveyances, transfers or written instruments on record affecting the title to said lands—in sections, townships and subdivisions according to the United States government survey, and also the lots and blocks of land according to the recorded plats and surveys of cities and towns in said county; in the order in which said instruments were dated or executed and according as said court may direct.

Section II. That said court may from time to time fix the costs and charges to be collected by the probate judge of said county for his services in recording said abstracts and making the proper entries in said books that the costs and charges shall also be made sufficient to reimburse the county for the cost of providing said books.

Section III. That when any such abstract of title is duly made out, filed and recorded as herein provided, by any person, firm or corporation claiming any lands described in said abstract with a certificate under oath declaring the claimant to be in the peaceful possession of the lands claimed and that he is the true owner thereof, and also by a proper certificate of a practicing attorney-at-law declaring that he has examined the title to said land and that, in his opinion, the claimant of the land is the true owner thereof, then, in that event, said documents shall be recorded as a part of the abstract and said affidavit and certificate so recorded or a certified copy of the record thereof shall be presumptive evidence that the claimant of said land was the lawful owner thereof at the time said certificate was recorded.

PROOF OF PUBLICATION.

I, W. F. Higdon, the publisher of a weekly newspaper in Escambia county, Alabama, namely, The Atmore Record, do hereby state under oath that the annexed printed words and figures is a true copy of the publication in said newspaper and is clipped from one of the original issues of said newspaper and that said words and figures appeared in said newspaper for 4 consecutive weeks, on the following dates, to-wit: December 19th, 1918; December 26th, 1918; January 2nd, 1919; January 9th, 1919.

I have personal knowledge of the foregoing facts and make this statement under oath, and that my cost will of the same is 23 and 31/100 Dollars.

W. F. Higdon,  
Publisher of said newspaper.

Sworn to and subscribed before me on this the 25th day of January, 1919.

J. M. Northrop, N. P.

Also:

H. 170. To provide for temporary appointment of United States senator.

Also:

H. 203. To fix the time for holding the county court in Butler county, Alabama.

Also:

H. 105. To provide for the control of venereal diseases by an ante-nuptial physical examination of men, which shall be done within fifteen days before granting marriage license, fixing penalties for non-compliance.

Also:

H. 54. To provide for absent qualified electors of the State of Alabama to vote in any primary election in this State while absent from the State or county in which he is a qualified elector; to provide the method of carrying out such provision; and to require election officers and others charged with duties hereunder to perform duties in connection therewith.

Also:

H. 189. To provide for the payment of the premium on bonds of county treasurers in counties which have one hundred and fifty thousand population, or over, according to the last Federal census, or any subsequent Federal census; to authorize such county treasurers to require bond from any assistant and provide for the payment of premium on such bond.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees, as follows:

H. 247, H. 156, H. 207. To the Committee on Local Legislation.

H. 240, H. 203. To the Committee on Revision of Laws.

H. 170, H. 54. To the Committee on Privileges and Elections.

H. 105. To the Committee on Public Health.

H. 189. To the Committee on Finance and Taxation.

#### REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills beg leave to report that said committee, in session, have examined and com-

pared the following engrossed bills with the originals and find same correctly engrossed, to-wit:

S. 83. To amend section 1309 of the Code of Alabama, 1907.

S. 84. To amend section 3613 of the Code of Alabama, 1907, as amended March 29th, 1911.

S. 120. To provide that fraternal insurance contracts shall not be contested after it has been in force for two years for fraud or irregularities in the application, and that no misrepresentation or warranty in the negotiation of a contract of such insurance or in such contract of insurance, or application therefor, or proof of loss thereunder, shall defeat or avoid the policy, or prevent its attaching, unless made with actual intent to defraud or unless the matter misrepresented increase the risk of loss.

S. 136. To amend section 6050 of the Code of Alabama.

S. 139. To establish the eighteenth judicial circuit, to be composed of the counties of Calhoun and Cleburne; to provide for a judge and the appointment of a solicitor; to fix their compensation and to provide that a portion of the judge's salary be paid out of the county treasuries of the counties constituting said circuit.

R. B. Evins,  
Chairman.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bills, your signature thereto is requested:

H. 25. To amend section 2566 of the Code of Alabama of 1907.

Also:

H. 129. To authorize the court of county commissioners of Crenshaw county to pay out of general fund of the county for publishing notices as provided by section 106 of the Constitution of Alabama, of the proposed introduction in the Legislature of any local law, whenever the proposed law is for the common good of the people of Crenshaw county.

Also:

H. 132. For the relief of J. H. Berry.

Fred H. Gormley,  
Clerk.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immedi-

ately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

H. 25. To amend section 2566 of the Code of Alabama of 1907.

Also:

H. 129. To authorize the court of county commissioners of Crenshaw county to pay out of general fund of the county for publishing notices as provided by section 106 of the Constitution of Alabama, of the proposed introduction in the Legislature of any local law, whenever the proposed law is for the common good of the people of Crenshaw county.

Also:

H. 132. For the relief of J. H. Berry.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bills, your signature thereto is requested:

H. 9. To increase the jurisdiction of the mayor of Jackson, Alabama, and fix his compensation for the business transacted.

Also:

H. 42. To amend an act approved September 15th, 1915, entitled "An act to require all county solicitors, all circuit solicitors, any solicitors of any court of record to give opinions to all county officials in all matters connected with their offices except in suits against official bonds."

Also:

H. 45. To regulate the assessment of cost of public improvements against property by municipalities, and to provide a method by which assessments originally levied against a tract of land may be split and divided among the interested property owners, and providing for the correction of errors in the descriptions of ownerships, and for reducing the assessments before, pending appeal, or after an appeal has been decided, and authorizing the governing bodies of cities to settle and compromise cases of assessments or judgments thereon.

Also:

H. 46. To authorize municipalities of the State to make contracts and agreements with other cities of the State for the inspection of dairies, milk, meats, and other food products.

Also:

H. 96. To provide for the institution and prosecution of misdemeanors in the circuit court of Madison county, otherwise than by indictment by the grand jury.

Also:

H. 97. To repeal "An act to create a court to be known and called the inferior criminal court of Madison county, to provide that the judge of the inferior court of Huntsville shall be ex-officio the judge of said court, and the clerk of the circuit court of Madison county, be ex-officio clerk of said court; that the solicitor of said county, if there be done, or the circuit solicitor or his deputy, shall represent the State in said court; that causes be appealed from said court to the Supreme or Appellate Court. **Providing that the compensation of the judge, clerk and solicitor for the performance of their duties under this act, and to regulate the practice and procedure in the jurisdiction of said court, providing that all indictments for misdemeanors found in the circuit, except for violation of the liquor laws shall be transferred to this court.**" Approved September 16th, 1915, and to provide for the disposition of the papers, files, books and records of said inferior criminal court of Madison county.

Also:

H. 131. For the relief of Camp Jones No. 317, United Confederate Veterans, and to require the county's proportion of the license money paid by said Camp Jones in March, 1917, to be refunded to it by the treasurer of Dallas county, or the person or corporation acting as such treasurer, and requiring the auditor of the State of Alabama to draw his warrant for the amount or proportion of said license money which the State received in favor of the commander of said Camp Jones, the total being the sum of \$139.98.

Fred H. Gormley,  
Clerk.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

H. 9. To increase the jurisdiction of the mayor of Jackson, Alabama, and fix his compensation for the business transacted.

Also:

H. 42. To amend an act approved September 15th, 1915, entitled "An act to require all county solicitors, all circuit solicitors, any solicitors of any court of record to give opinions to all county officials in all matters connected with their offices except in suits against official bonds."



Also:

H. 45. To regulate the assessment of cost of public improvements against property by municipalities, and to provide a method by which assessments originally levied against a tract of land may be split and divided among the interested property owners, and providing for the correction of errors in the descriptions of ownerships, and for reducing the assessments before, pending appeal, or after an appeal has been decided, and authorizing the governing bodies of cities to settle and compromise cases of assessments or judgments thereon.

Also:

H. 46. To authorize municipalities of the State to make contracts and agreements with other cities of the State for the inspection of dairies, milk, meats, and other food products.

Also:

H. 96. To provide for the institution and prosecution of misdemeanors in the circuit court of Madison county, otherwise than by indictment by the grand jury.

Also:

H. 97. To repeal "An act to create a court to be known and called the inferior criminal court of Madison county, to provide that the judge of the inferior court of Huntsville shall be ex-officio the judge of said court, and the clerk of the circuit court of Madison county, be ex-officio clerk of said court; that the solicitor of said county, if there be done, or the circuit solicitor or his deputy, shall represent the State in said court; that causes be appealed from said court to the Supreme or Appellate Court. Providing that the compensation of the judge, clerk and solicitor for the performance of their duties under this act, and to regulate the practice and procedure in the jurisdiction of said court, providing that all indictments for misdemeanors found in the circuit, except for violation of the liquor laws shall be transferred to this court." Approved September 16th, 1915, and to provide for the disposition of the papers, files, books and records of said inferior criminal court of Madison county.

Also:

H. 131. For the relief of Camp Jones No. 317, United Confederate Veterans, and to require the county's proportion of the license money paid by said Camp Jones in March, 1917, to be refunded to it by the treasurer of Dallas county, or the person or corporation acting as such treasurer, and requiring the auditor of the State of Alabama to draw his warrant for the amount or proportion of said license money which the State received in favor of the commander of said Camp Jones, the total being the sum of \$139.98.

## BILLS ON THIRD READING.

The bill:

S. 162. To prohibit live stock from running at large in all counties of this State having a population according to the last Federal census of not less than 30,900 and not exceeding 30,975, and to provide a means for its enforcement, and to prescribe penalties for owners of live stock who knowingly or negligently permit them to run at large in such counties as may be affected by this act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Acker	Craft	Miller	Prestwood
Baker	Espy	Moore	Rogers (Sumter)
Beale	Evins	Morris	Sims
Briscoe	Griffith	McDowell	Smith (Coosa)
Brown	Gunter	Nance	Tally
Butler	Harper	Norwood	West
Cowan	Leith	Phillips	

—27

Nays:—None.

The bill:

S. 73. To amend section 4227 of the Code.

Was read a third time at length and passed.

Yeas, 18; nays, 7.

Yeas:

Messrs:

Baker	Evins	Morris	Prestwood
Beale	Griffith	McDowell	Rogers (Sumter)
Brown	Harper	Nance	Tally
Craft	Huddleston	Norwood	West
Espy	Kelly		

—18

Nays:

Messrs:

Briscoe	Leith	Moore	Smith (Coosa)
Butler	Miller	Sims	

—7

The bill:

S. 72. To amend section 4196 of the Code.

Was read a third time at length and passed.

Yeas, 23; nays, 1.

Yeas:

Messrs:

Acker	Beale	Brown	Cowan
Baker	Briscoe	Butler	Espy

Evins	Kelly	Nance	Smith (Coosa)	
Griffith	Moore	Norwood	Tally	
Harper	Morris	Phillips	West	
Huddleston	McDowell	Rogers (Sumter)		—23

*Nays:* Mr. Prestwood—1.

The bill:

S. 145. To repeal section 4198 of the Code of 1907.

Was read a third time at length and passed.

Yeas, 26; nays, 2.

*Yeas:*

Messrs:

Acker	Craft	Miller	Phillips	
Baker	Espy	Moore	Prestwood	
Beale	Evins	Morris	Rogers (Sumter)	
Briscoe	Griffith	McDowell	Smith (Coosa)	
Brown	Harper	Nance	Tally	
Butler	Huddleston	Norwood	West	
Cowan	Kelly			—26

*Nays:*

Messrs:

Leith	Sims			—2
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#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 127. To authorize the governor to remove at his pleasure any officer or employee of the State or any political subdivision thereof, except counties and municipalities, where the office or employment is held under authority from the governor, but not to apply where an appointment is made to fill a vacancy in an elective office, and not to apply to any trustee of an educational institution when the appointment is confirmed by the Senate.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### APPOINTMENT OF COMMITTEE TO VISIT SOLDIERS' HOME.

In pursuance of:

H. J. R. 19. Relative to a committee of three from the House and two from the Senate to visit the Soldiers' Home.

The President of the Senate appointed as members of said committee from the Senate, Messrs. Cowan and Nance.

## LEAVES OF ABSENCE.

On motion of Mr. Smith of Coosa, he was granted leave of absence for today.

On motion of Mr. Kelly, he was granted leave of absence for today.

## RESOLUTION.

The resolution:

S. J. R. 24. Resolved, That a joint committee of the Senate and the House of Representatives of the Alabama Legislature be appointed forthwith, which committee shall consist of two members of the Senate and three members of the House, and who shall report to this Legislature not later than its twenty-fifth legislative day a constructive and practical system for the employment by the State of all State and county convicts as a substitute for the present convict lease system.

Was read a third time at length and adopted, and ordered sent forthwith to the House without engrossment.

Yeas, 21; nays, 3.

Yeas:

Messrs:

Acker	Espy	Miller	Prestwood
Baker	Griffith	Moore	Rogers (Sumter)
Beale	Harper	Morris	Sims
Briscoe	Huddleston	Nance	Tally
Butler	Leith	Norwood	West
Craft			

—21

Nays:

Messrs:

Evins	McDowell	Phillips
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—3

## BILLS ON THIRD READING RESUMED.

The bill:

H. 43. To regulate the sale and offering for sale of fertilizers and fertilizer materials, to require same to be plainly tagged and marked as to the chemical elements thereof and the source of the same, and to provide a penalty for the violation thereof.

Was taken up.

Mr. Espy offered the following amendment to said bill, to-wit:

Amend section 1 by striking out after word "material" the following words, to-wit: "To the consumer," also by striking out after the word "package" the following words, to-wit: "The trade name of the fertilizer, if any."

Amend section 1, by adding the following: Provided that this does not apply to merchants or retail dealers who have fertilizer on hand or in transit shipped prior to the time this law becomes effective.

Which was adopted.

Yeas, 26; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Leith	Phillips
Baker	Espy	Moore	Prestwood
Beale	Evins	Morris	Sims
Briscoe	Griffith	McDowell	Smith (Coosa)
Brown	Harper	Nance	Tally
Butler	Huddleston	Norwood	West
Cowan	Kelly		

—26

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Miller	Phillips
Baker	Espy	Moore	Prestwood
Beale	Evins	Morris	Rogers (Sumter)
Briscoe	Griffith	McDowell	Sims
Brown	Harper	Nance	Tally
Butler	Huddleston	Norwood	West
Cowan	Leith		

—26

*Nays:*—None.

The bill: .

S. 161. To authorize the issue of the bonds of the State to the amount of nine hundred and fifty-four thousand dollars for the purpose of refunding the bonds of the State maturing January 1st, 1920, issued under and by virtue of an act approved February 22, 1887, entitled, "An act to authorize the issue of the bonds of the State to the amount of nine hundred and fifty-four thousand dollars for the purpose of paying, taking up and cancelling the bonds of the State bearing six per cent per annum, issued under an act approved February 13, 1879, to provide for funding the domestic debt of the State," as amended by act approved February 27, 1889, to prescribe the rate of interest the said bonds shall bear, to fix the maturity thereof and to provide for the sale thereof.

Was taken up.

Mr. Acker offered the following amendment to said bill, to-wit:

Amend section 1 by striking out the words "payable at the expiration of thirty years from date and bearing interest at the rate of four per cent per annum" and inserting in lieu of the words so stricken the following words:

"Payable at such time as the governor may determine not exceeding thirty years after date and bearing interest at a rate not exceeding four and one-half per centum per annum."

Which was adopted.

Yeas, 26; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Miller	Phillips
Baker	Espy	Moore	Prestwood
Beale	Evins	Morris	Rogers (Sumter)
Briscoe	Griffith	McDowell	Sims
Brown	Harper	Nance	Tally
Butler	Huddleston	Norwood	West
Cowan	Leith		

—26

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Miller	Phillips
Baker	Espy	Moore	Prestwood
Beale	Evins	Morris	Rogers (Sumter)
Briscoe	Griffith	McDowell	Sims
Brown	Harper	Nance	Tally
Butler	Huddleston	Norwood	West
Cowan	Leith		

—26

*Nays:*—None.

The bill:

H. 175. To close and vacate Convenient street in the town of Marion, Alabama, from the southern line of S. A. Nelms' lot to the northern line of DeKalb street.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Leith	Norwood
Baker	Espy	Miller	Phillips
Beale	Evins	Moore	Prestwood
Briscoe	Griffith	Morris	Sims
Brown	Harper	McDowell	Tally
Butler	Huddleston	Nance	West
Cowan			

—25

*Nays:*—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Long of Sumter:

H. J. R. 49. Whereas, inasmuch as, in normal times cotton is the one staple of commerce which brings more gold from foreign countries to America than any other one commodity, thereby turning the balance of the world's trade in favor of the United States, and giving cotton a national importance; and,

Whereas, the mills of Europe are the largest consumers of low grade cotton, but owing to war conditions the spindles of those countries are practically without a supply; and,

Whereas, President Wilson, in his last message to Congress, declared, "The war is over?" and therefore there is no longer any necessity for retaining the restriction on exports and imports of commerce; and,

Whereas, the American merchant marine is now an established and assured fact and the slogan should be, American bottoms controlled by American citizens for American commerce; now, therefore,

Be it resolved, by the House of Representatives, the Senate concurring, That we insist that our senatorial representatives in Congress take immediate steps to see that all embargoes on cotton be instantly removed.

Be it further resolved, That Congress be urged to provide immediately for the establishment of American steel steamship lines, between the Gulf and South Atlantic ports and all foreign ports for the promotion of American commerce, and at reasonable standardized rates.

Be it further resolved, That a cable to this end be sent to President Wilson; that a copy be also sent to the chairman of the United States Shipping Board, and to the chairman of the War Trade Board, and to each of our senators and representatives from Alabama.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Espy, House joint resolution No. 49, set out in the foregoing message from the House, was, under a suspension of the rules, adopted by the Senate.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House bill:

H. 141. To amend subdivision 821½ of Section 1 of an act entitled an act "To prescribe and fix the license or privilege tax to be paid by every person, firm, company, corporation or association engaged in any business, vocation, occupation, calling or profession in this State, or who shall in this State exercise any privileges, for which a license or privilege tax is or may be charged; to provide for and regulate the collection of such license or privilege tax; to fix the compensation to be paid for the collection of such license or privilege tax; to provide for the distribution, application and safe keeping of the funds arising from the collection of such license or privilege tax; to fix a penalty for doing business without a license, and to provide for the enforcement thereof, and to further provide for the general revenues," approved September 14th, 1915.

And sends same herewith to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee, as follows:

H. 141. To the Committee on Finance and Taxation.

#### REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Griffith, chairman of the Standing Committee on Revision of the Journal, reported that said committee in session, had examined the Journal of the Senate for the fourteenth legislative day of the session, and find same contains the proper entries in reference to each bill and resolution contained therein as required by the Constitution.

A. A. Griffith,  
Chairman.



## COMMITTEE REPORT.

On motion of Mr. Griffith, the foregoing report from the Committee on Revision of the Journal was adopted and the Journal of the fourteenth legislative day of the session was approved by the Senate.

## BILLS ON THIRD READING.

The bill:

S. 10. To appropriate the sum of seventy thousand (\$70,000.00) dollars for the payment of the amounts due by the State to the sheriffs of the counties in the State for feeding prisoners in the county jails during the fiscal years 1916 and 1917, and which are unpaid.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Acker	Craft	Kelly	Norwood
Baker	Espy	Leith	Phillips
Beale	Evins	Miller	Prestwood
Briscoe	Griffith	Moore	Rogers (Sumter)
Brown	Gunter	Morris	Sims
Butler	Harper	McDowell	Tally
Cowan	Huddleston	Nance	West

—28

Nays:—None.

The bill:

S. 151. To amend section two of an act "To regulate the practice of veterinary medicine and surgery in the State of Alabama, and establish a veterinary medical examining board," approved March 17, 1915.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Acker	Craft	Leith	Norwood
Baker	Espy	Miller	Phillips
Beale	Evins	Moore	Rogers (Sumter)
Briscoe	Griffith	Morris	Sims
Brown	Gunter	McDowell	Tally
Butler	Harper	Nance	West
Cowan	Huddleston		

—26

Nays:—None.

The bill:  
By Mr. West:

S. 160. To prescribe the qualifications, duties and compensation of coroners in counties of this State of two hundred thousand inhabitants or more according to the last Federal census or any subsequent Federal census who may be hereafter elected and to provide for a deputy or an assistant coroner and to define and prescribe the powers and duties of such deputy or assistant, and to provide for the employment of a competent physician at any inquest held by such coroner or such deputy or such assistant, and to define and prescribe his duties and to fix his compensation and to provide for the employment of stenographer by such coroners.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Acker	Craft	Miller	Phillips
Baker	Espy	Moore	Prestwood
Beale	Evins	Morris	Rogers (Sumter)
Briscoe	Griffith	McDowell	Sims
Brown	Gunter	Nance	Tally
Butler	Harper	Norwood	West
Cowan	Leith		

—26

Nays:—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House bill:

H. 123. For the further protection of fish. To make it unlawful for any person to take or catch fish by the means of any net, seine, trap or other device as a substitute therefor, in any of the creeks, rivers or other streams, or in any of the estuaries, lagoons or lakes emptying into any of the salt waters, or bays of this State, within ten miles from the point where such bodies of water empty into, or connect with, the salt waters or bays of this State, except as herein provided, and to make it unlawful for any person to catch any bass, green trout, bream, or goggle-eye by any other means than those provided for herein, and to prescribe penalties for the violation of the provisions of this act.

And sends some herewith to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

## HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee, as follows:

H. 123. To the Committee on Fish, Game and Forestry.

## RECESS.

At 1:10 P. M., on motion of Mr. Brown, the Senate took a recess until 2 o'clock this afternoon.

## AFTERNOON SESSION—FIFTEENTH DAY.

Friday, February 7, 1919.

The Senate re-assembled at 2 o'clock P. M., Lieutenant Governor Miller presiding.

## ROLL CALL.

On a call of the roll, 25 members answered to their names, a quorum of the Senate.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Rogers of Sumter:

S. 194. To establish a board of revenue for Sumter county, and for the abolishment of the court of county commissioners of said county.

## Local Legislation.

With notice and proof attached and herewith exhibited as follows:

## NOTICE OF BILL TO BE INTRODUCED IN THE LEGISLATURE OF ALABAMA.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama, the substance of which is as follows:

The title of said bill shall be: A bill entitled a bill to establish a board of revenue for Sumter county, and for the abolishment of the court of county commissioners of said county.

Said bill shall provide that there is hereby established a board consisting of four persons and the president, to be called the board of revenue of Sumter county.

That the members of said board shall be appointed by the governor, within ten days after the approval of this act, and except as hereinafter provided, shall hold the office until their successors are duly elected and qualified, and in case of a vacancy the same shall be filled by the governor.

The president and two members of the board shall be appointed for a term ending on the first Monday after the second Tuesday in January in the year 1923, and till their successors are elected and qualified, and two members of the board shall be appointed for a term ending on the first Monday after the second Tuesday in January in the year 1921, and until their successors are elected and qualified.

The board of revenue shall have the power and authority to direct and control the property of Sumter county as it may deem expedient, according to law; to levy a tax for general purposes and special taxes for particular county purposes, according to the provisions of the laws of Alabama; to examine, settle and allow accounts and claims chargeable against the county; to audit and settle the accounts of all officers having the care, management, collection or disbursement of money belonging to the county, or appropriated to its use and benefit; to have the exclusive control of the convict labor of the county and the disbursement of the proceeds of same; to regulate the purchase of stationery for county purposes; to provide for the purchase and payment out of the county funds for the necessary books and stationery and postage for the use of said board of revenue in the conduct of its official business; and the sole right and authority to bind the county in any contract for the payment of money, and the sole right and authority to pay any debt due by the county on any existing lawful contract.

The board of revenue shall have all jurisdiction and powers which are now, or may hereafter be by law vested in the courts of county commissioners of this State, and by any special law now vested in the courts of county commissioners of Sumter county, and the several members of the said board of revenue shall perform all the duties and services, and exercise all the powers, which are, or may be required by law of the several members of the courts of county commissioners.

That all general laws hereafter enacted in relation to the jurisdiction, powers, authority or duties of the county commissioners in this State, shall apply to and govern the board of revenue of Sumter county.

The president of the board of revenue shall be its presiding officer, shall sign the minutes of the proceedings of the board, and shall have the same power and authority as other members in passing upon all questions, and shall sign all warrants drawn on the county treasury and all orders for the payment or disbursement of money or funds of the county, and sign all contracts entered into by the "board of revenue" of Sumter county. It shall be his duty to prepare business and obtain information for the sessions of the board of revenue, to see that all orders thereof are properly executed. He shall exercise all the powers and perform all the duties required of the probate judge as to matters coming before the courts of county commissioners.

That said board of revenue shall elect a clerk, who may be a member of the board, and fix his compensation, and it shall be the duty of said clerk of said board to attend the meetings of said board and issue all notices required by said board. The clerk shall, under the direction of said board, keep the minutes and records of the proceedings of said board in well bound volumes provided for that purpose, said records to be kept in the office of the judge of probate of said county and to be open at all times to the inspection of the citizens of said county, and generally to do and perform such duties and matters as may be required of him by said board.

The compensation of said clerk shall be fixed by said board, and his term of office shall be at the pleasure of said board.

Said board of revenue shall hold sessions on the first Monday of each month of every year, and may continue in session as long as it deems necessary to conduct the business of the county, and may hold special sessions at any time upon the call of the president or three members of the Board, entered in writing on the minutes of the board.

The sessions of said board of revenue shall be held at the court house of said county.

The board of revenue shall keep a correct register of all claims presented against the county, showing the name of the claimant, the amount and the action of the board thereon; and keep a full carbon copy of every warrant or order for the payment of money out of the county treasury, and these records together with the minutes of proceedings and all papers of the board of revenue shall be public records open to the inspection of any person at reasonable hours when the same are not being used by the board of revenue, or under its directions.

It shall be the duty of the clerk of every court in Sumter county, and the register of every court in Sumter county, to render to said board within ten days after the adjournment of the term of said court in said county, a list under oath of all fines assessed and forfeitures made final in his court, within ten days after the rendition thereof.

That said bill shall fix the compensation of the members of said board of revenue for their services in the performance of their duties as such members.

That the court of county commissioners of Sumter county, as the same now exists, shall be abolished, and that the probate judge of said county be relieved of his duty to the court of county commissioners of said county, which shall hereafter be performed by the president of the board of revenue.

That there shall be elected at the next general election in the county of Sumter, and every four years thereafter, two members of the board of revenue, to succeed the members whose terms expire on the first Monday after the second Tuesday in January in the year 1921, who shall qualify within ten days after the returns shall have been canvassed and shall enter upon the discharge of their duties on the first Monday after the second Tuesday in January, 1921, and hold their office for the term of four years and till their successors are elected and qualified.

That there shall be elected at the general election held in the county of Sumter in the year 1922, and every four years thereafter a president of the board of revenue and two members of the board of revenue to succeed the members whose terms expire on the first Monday after the second Tuesday in the year 1923, who shall qualify within ten days after the returns shall have been canvassed, and shall enter upon the discharge of their duties on the first Monday after the second Tuesday in January, 1923, and hold their office for the term of four years and till their successors are elected and qualified.

Said act shall take effect immediately after its approval.

That if any section, paragraph, portion, or provision, of said bill or act shall be declared unconstitutional, or void for any reason, it shall not affect the validity of the remaining provisions, portions, or sections of said bill or act.

A majority of said board shall constitute a quorum for the transaction of business.

The State of Alabama, }  
Sumter County. }

Before me, Thos. F. Seale, a notary public in and for said county, and State, personally appeared W. H. Lawrence, who being by me first duly sworn, deposes and says under oath: That he is editor and publisher of "Our Southern Home," a newspaper published weekly, at Livingston, in said county and State, and that the notice, a true copy of which is attached hereto, was published once a week for four consecutive weeks in said newspaper, commencing on the 15th day of January, 1919, and appearing thereafter on aJanuary 22nd, 1919, January 29th, 1919, and February 5th, 1919.

W. H. Lawrence.

Sworn to and subscribed before me on this the 6th day of February, 1919.

Thos. F. Seale,  
Notary Public.

By Mr. Beale:

S. 195. To extend the corporate limits of the city of Tuscaloosa, Alabama.

#### Municipalities and Municipal Organizations.

With notice and proof attached and herewith exhibited as follows:

#### NOTICE.

Notice is hereby given that a bill will be introduced at the next session of the Legislature of Alabama, which convenes in January, 1919, providing for the extension of the corporate limits of the city of Tuscaloosa, Alabama, as follows:

Beginning at the point where the present eastern limit of the city of Tuscaloosa intersects the low water mark on the north bank of the Warrior river, thence northwardly along said low water line to its intersection with the line running east and west through the center of section 7, township 21 south, range 9 west; thence east along said center line through sections 7 and 8 to the west margin of the public road from Holt to Alberta City; thence southwardly along the said west margin of said public road to the south margin of the Huntsville road; thence eastwardly along the said south margin of the Huntsville road to the west margin of the public road from Alberta City to the Hargrove road; thence southwardly along said western margin of said public road to the south margin of the right of way of the Alabama Great Southern Railway; thence westwardly along said south margin of said right of way to its intersection with the present eastern line of the city limits; thence following the present eastern line of the city limit along the eastern margin of Tenth avenue or East 6th street, to its intersection with the south margin of Twentieth street or South 5th avenue; thence westwardly along the south margin of Twentieth street, to its intersection with the middle line of the western half of section 26, township 21 south, range 10 west; thence south on said middle line to its intersection with the eastern margin of the Greensboro road; thence southwardly along the said eastern margin of said Greensboro road to its intersection with the south margin of Mississippi avenue; thence westwardly along the south margin of said Mississippi avenue and said south margin extended to an intersection with the section line between sections 34 and 35; thence north along said section line to the northeast corner of section 34, township 21 south, range 10 west; thence west along the north line of said

section 34 to the middle of said section; thence north through the center of section 27 to an intersection with the present southern city limits.

D. B. Robertson,  
Norfleet Harris,  
Hugh Prince,  
Board of City Commissioners.

The State of Alabama, }  
Tuscaloosa County. }

Before me, Grover C. Herren, a notary public in and for said county and State, personally appeared Edward Doty, who being by me duly sworn, deposes and says that he is president of the Tuscaloosa News Publishing Company, which company is the publisher of the Tuscaloosa News; that he is also the editor of the said Tuscaloosa News, which is a newspaper published in the city and county of Tuscaloosa, Alabama that there was duly and regularly published in the said Tuscaloosa News for four consecutive weeks, namely, in the issues of said newspaper of January 16th, January 23rd, January 30th and February 6th, 1919, a notice that a bill would be introduced in the Legislature of Alabama now in session providing for the extension of the corporate limits of the city of Tuscaloosa, Alabama, which said notice was as follows:

Edward Doty.

Sworn to and subscribed before me this 6th day of February, 1919.  
Grover C. Herren,  
Notary Public.

#### REPORTS OF COMMITTEES.

Mr. Griffith, chairman of the Standing Committee on Corporations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Acker:

S. 138. To amend section 1 of an act entitled an act to amend sections 3615 and 3625 of the Code of Alabama, 1907, approved February 28, 1911.

Mr. Miller, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gunter:

S. 186. To amend section 3713 of the Code of Alabama of 1907.

By Mr. Gunter (with amendment):

S. 185. To amend section 6635 of the Code of Alabama of 1907.

## RE-CONSIDERATION OF VOTE.

On motion of Mr. Moore, the Senate re-convened the vote by which it passed on today:

H. 175. To close and vacate Convenient street in the town of Marion, Alabama, from the southern line of S. A. Nelms' lot to the northern line of DeKalb street.

And on motion of Mr. Moore the Senate re-considered the vote by which said bill was engrossed and read a third time. Mr. Moore then moved that said bill be re-referred to the Standing Committee on Local Legislation, which motion prevailed and the President of the Senate re-referred said bill to the Standing Committee on Local Legislation.

## BILLS ON THIRD READING.

The bill:

S. 78. To permit newspaper editors to accept free transportation from railroads in exchange for space and advertisements in their papers and to permit the free use of such railroad transportation on railroads in Alabama by the editors holding the same.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 14; nays, 11.

## Yeas:

Messrs:

Baker

Brown

Craft

Espy

Evins

Griffith

Gunter

Huddleston

Leith

Moore

McDowell

Norwood

Rogers (Sumter)

Tally

—14

## Nays:

Messrs:

Acker

Briscoe

Butler

Cowan

Harper

Miller

Morris

Nance

Phillips

Sims

West

—11

## REPORT FROM COMMITTEE OF ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills beg leave to report that said committee, in session, have examined and compared the following engrossed bills with the originals and find same correctly engrossed, to-wit:

S. 107. To authorize a city of more than twelve thousand inhabitants and less than twenty-five thousand inhabitants, as



shown by the last preceding census of the United States, having a tax rate of not more than one-half of one per cent to charge a reasonable annual rental for toilets on private premises connected with the sanitary sewers belonging to and maintained by the city; to make said charge a lien on the premises and to provide a method for the collection and enforcement of the same.

S. 122. To provide that municipal corporations shall have a lien on the property used in any exhibition, trade, business, vocation, occupation or profession, for which a license is required, and to provide for the enforcement of such lien.

S. 125. To repeal an act entitled an act to amend section 5838 of the Code of Alabama of 1907 as amended by an act of the Legislature, approved August 20th, 1915.

S. 134. To provide for the organization or admission and the regulation and taxation of incorporated mutual insurance companies, other than life.

R. B. Evins,  
Chairman.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the amendment proposed by the governor to:

H. 103. To amend section 878 of the Code of Alabama as amended by the act of September 25th, 1915.

Said governor's amendment being as follows:

*To the House of Representatives:*

I return herewith H. 103 with an amendment which would remove my objection to the bill.

Amend by striking out the words, "Provided, however, that, if at the end of any fiscal year, it shall appear from the report of the examiner of public accounts that the needs of the indigent and criminal inmates will be thereby met and adequately provided for, the governor shall be, and he is hereby authorized to reduce said weekly payment to and fix the same at not less than three dollars and fifty cents (3.50)," and in lieu thereof insert the following words:

Provided, however, that, if at any time it shall appear, in the opinion of the board of control and economy, that the needs of the indigent and criminal inmates will be thereby met and adequately provided for, the governor shall be, and he is hereby authorized to reduce said weekly payment and fix the same at not less than three dollars and fifty cents (3.50).

Respectfully,  
Thos. E. Kilby.

February 7, 1919.

Yeas, 71; nays, 0.

Which was a majority of the whole number elected to the House of Representatives.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk of the House.

#### HOUSE MESSAGE.

On motion of Mr. Rogers of Sumter, the Senate concurred in and adopted the amendment proposed by His Excellency, the governor to House bill 103, the title of which is set out in the foregoing message from the House, and said amendment being set out in the foregoing message from the governor.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Acker	Evins	Miller	Phillips
Baker	Griffith	Moore	Prestwood
Briscoe	Gunter	Morris	Rogers (Sumter)
Brown	Harper	McDowell	Sims
Butler	Huddleston	Nance	Tally
Craft	Leith	Norwood	West
Espy			

—25

Nays:—None.

Which was a majority of the whole number elected to the Senate.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 262. To amend act number 411 approved September 10th, 1915, entitled an act to designate certain public roads to the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained.

And sends same herewith to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee, as follows:

H. 262. To the Committee on Public Roads and Highways.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills beg leave to report that said committee, in session, have compared the following

enrolled bills, with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

S. 23. To authorize municipalities to maintain a bill in equity in the name of the city to abate or enjoin a public nuisance injurious to the health, morals, comfort or welfare of the community.

S. 101. To create a State board of control and economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing the said board.

S. 127. To authorize the governor to remove at his pleasure any officer or employee of the State or any political subdivision thereof, except counties and municipalities, where the office or employment is held under authority from the governor, but not to apply where an appointment is made to fill a vacancy in an elective office, and not to apply to any trustee of an educational institution when the appointment is confirmed by the Senate.

C. S. McDowell,  
Chairman.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

S. 23. To authorize municipalities to maintain a bill in equity in the name of the city to abate or enjoin a public nuisance injurious to the health, morals, comfort or welfare of the community.

S. 101. To create a State board of control and economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing the said board.

S. 127. To authorize the governor to remove at his pleasure any officer or employee of the State or any political subdivision thereof, except counties and municipalities, where the office or employment is held under authority from the governor, but not to apply where an appointment is made to fill a vacancy in an elective office, and not to apply to any trustee of an educational institution when the appointment is confirmed by the Senate.

#### ADJOURNMENT.

At 2:30 P. M., on motion of Mr. Acker and pursuant to S. J. R. 38, heretofore adopted, the Senate adjourned until 10 o'clock Tuesday morning, February 11th, 1919.

## SIXTEENTH DAY.

Tuesday, February 11th, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

## PRAYER.

Rev. Dr. Yarbrough of Montgomery.

## ROLL CALL.

## Present:

Mr. President and

Messrs:

Acker	Cowan	Huddleston	Norwood
Beale	Craft	Kelly	Phillips
Bedsole	Ellis	Leith	Prestwood
Briscoe	Espy	Miller	Rogers (Sumter)
Brown	Evins	Moore	Sims
Butler	Griffith	Morris	Smith (Coosa)
Carlton	Gunter	McDowell	Tally
Carmichael	Harper	Nance	West

—32

## JOURNAL.

On motion of Mr. Bedsole, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## LEAVES OF ABSENCE.

On motion of Mr. McDowell, leave of absence was granted Mr. Ellis for today.

On motion of Mr. Tally, leave of absence was granted Mr. Baker for today.

## PRIVILEGES OF THE FLOOR.

On motion of Mr. Tally, the privileges of the floor were extended to Hon. Borden Burr, of Birmingham, and Mr. Oliver Hood.

On motion of Mr. Rogers of Sumter, the privileges of the floor were extended to Mr. J. S. Free.

On motion of Mr. Brown, the privileges of the floor were extended to Hon. Alto V. Lee, of Gadsden.

On motion of Mr. Miller, the privileges of the floor were extended to Mr. L. H. Buzzard.

On motion of Mr. Butler, the privileges of the floor were extended to Mr. Middleton.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Morris:

S. 196. To abolish the corporation of the town of Daleville, Dale county, Alabama.

Municipalities and Municipal Organizations.

With Notice and Proof attached and herewith exhibited as follows:

## NOTICE OF LOCAL ACT.

Notice is hereby given of my intention to apply for the passage of the following local act of the Legislature at the next session of the Legislature of Alabama:

## AN ACT

To abolish the corporation of the town of Daleville, Dale county, Alabama. Be it enacted by the Legislature of Alabama:

Section 1. That the corporation now existing of the town of Daleville in Dale county, Alabama, be and the same is hereby abolished and dissolved.

Section 2. Be it further enacted, That all laws and parts of laws in conflict herewith are hereby repealed.

W. W. Morris.

State of Alabama, }  
Dale County. }

I, J. Q. Adams, editor and publisher of The Southern Star, a newspaper published at Ozark, Dale county, Alabama, do solemnly swear that the attached notice was published for four consecutive weeks prior to the making of this affidavit.

J. Q. Adams.

Sworn to and subscribed before me, this the 10th day of February, 1919.

G. E. Mancill,  
Notary Public.

(Seal.)

By Mr. Morris:

S. 197. To regulate and prescribe the sale of illuminating fuel and other oils, and gasoline in this State, and to prescribe punishment for the violation of this act.

Local Legislation.

By Mr. Acker:

S. 198. To create a commission to be known as the Alabama post-war council of defense, to prescribe its powers and duties, to designate member ex-officio and other members, to provide for co-operation between the State and the Federal government and between the State and other agencies in meeting the exigencies and emergencies incident to post-war readjustment, and to make

an appropriation for the carrying out of the provisions of this act.

Finance and Taxation.

By Mr. Prestwood:

S. 199. To create the office of county treasurer in all counties in this State which now have, or which may hereafter have a population of twenty-one thousand four hundred and twenty-five people and not exceeding twenty-one thousand four hundred and fifty people, according to the last Federal census, or any such census which may hereafter be taken; to provide for the appointment of a county treasurer in each of such counties to hold office until the first Monday after the second Tuesday in January, 1921, and to provide for the election of a county treasurer in such counties by the qualified electors thereof at the general election in 1920, and every fourth year thereafter; to prescribe the qualifications and duties of such county treasurers, to fix their compensation and how the same shall be paid.

Local Legislation.

By Mr. McDowell:

S. 200. To provide for the prevention of a double tax on persons owning automobiles or motor vehicles, and transfer of license in event of sale.

Finance and Taxation.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills, beg leave to report, that said committee, in session, have examined and compared the following engrossed bills with the originals and find same correctly engrossed, to-wit:

S. 72. To amend section 4196 of the Code.

S. 73. To amend section 4227 of the Code.

S. 145. To repeal section 4198 of the Code of 1907.

S. 160. To prescribe the qualifications, duties and compensation of coroners in counties of this State of two hundred thousand inhabitants or more according to the last Federal census or any subsequent Federal census who may be hereafter elected and to provide for a deputy or an assistant coroner and to define and prescribe the powers and duties of such deputy or assistant, and to provide for the employment of a competent physician at any inquest held by such coroner or such deputy or such assistant, and to define and prescribe his duties and to fix his compensation and to provide for the employment of stenographer by such coroners.

R. B. Evins,  
Chairman.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 294. To provide for the payment of expenses incurred by the doorkeeper of the House and the doorkeeper of the Senate. And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 294. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 25. To prescribe the limitation within which actions to test the validity of municipal bonds or elections to levy taxes or to issue bonds shall be commenced.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bill, your signature thereto is requested:

H. 103. To amend section 878 of the Code of Alabama as amended by the act of September 25th, 1915.

Fred H. Gormley,  
Clerk.

## SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following bill:

H. 103. To amend section 878 of the Code of Alabama as amended by the act of September 25th, 1915.

## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House joint resolution, your signature thereto is requested:

H. J. R. 49. Relative to our Representatives in Congress taking steps to see that all embargoes on cotton be instantly removed. And urging Congress to provide for the establishment of American steel steamship lines between the gulf and South Atlantic ports, and all foreign ports for the promotion of American commerce.

Fred H. Gormley,  
Clerk.

#### SIGNING OF RESOLUTION.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following resolution:

H. J. R. 49. Relative to our Representatives in Congress taking steps to see that all embargoes on cotton be instantly removed. And urging Congress to provide for the establishment of American steel steamship lines between the gulf and South Atlantic ports, and all foreign ports for the promotion of American commerce.

#### RESOLUTION.

The resolution:

S. J. R. 40. Relates to pensions for Confederate veterans.

Was taken up.

The Committee on Rules offered the following amendment to said resolution, to-wit:

Strike out of preamble the words "Every worthy Confederate veteran" and insert in lieu thereof the words: "Every needy Confederate veteran."

Which was adopted.

And said resolution, as thus amended, was then read a third time at length and adopted, and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Harper	Nance
Beale	Cowan	Kelly	Norwood
Bedsole	Craft	Leith	Prestwood
Briscoe	Ellis	Miller	Rogers (Sumter)
Brown	Espy	Moore	Sims
Butler	Evins	Morris	Tally
Carlton	Gunter	McDowell	West

*Nays:*—None.



The resolution:

H. J. R. 33. Creating a joint recess committee consisting of representatives and senator from Jefferson county.

Was adopted.

Was read a third time at length and adopted.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Harper	Nance
Beale	Cowan	Kelly	Norwood
Bedsale	Craft	Leith	Phillips
Briscoe	Ellis	Miller	Rogers (Sumter)
Brown	Espy	Moore	Sims
Butler	Evins	Morris	Tally
Carlton	Gunter	McDowell	West

—28

Nays:—None.

#### BILLS ON THIRD READING.

The bill:

S. 182. To authorize and empower the governor of Alabama to make and publish rules and regulations for the reorganization of the National Guard in conformity to acts of Congress relating to the National Guard; to authorize the governor to take necessary steps towards procuring aid, equipment and appropriations from the Federal government for the National Guard.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment:

Yeas, 29; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Kelly	Norwood
Beale	Craft	Leith	Phillips
Bedsale	Ellis	Miller	Prestwood
Briscoe	Espy	Moore	Rogers (Sumter)
Brown	Evins	Morris	Sims
Butler	Gunter	McDowell	Tally
Carlton	Harper	Nance	West
Carmichael			

—29

Nays:—None.

The bill:

S. 181. To amend an act entitled an act "To provide for and regulate the manufacture and sale of 'commercial feeding stuffs' in Alabama; to further provide for the registration, tagging, sampling and analyzing 'commercial feeding stuffs' and to fix penalties for violations of this act," so as to regulate the sale of

"commercial feeding stuffs;" to define the same, and to prohibit the adulteration thereof, to provide for their correct weight, sampling, analyses, and marketing; to authorize the commissioner of agriculture and industries to prescribe rules and regulations for carrying out the provisions of this act; to establish in the department of agriculture and industries a division of foods, feeds and drugs, to be charged with the execution of this act; to authorize the commissioner of agriculture and industries to appoint an assistant as supervisor of said division, and to appoint other necessary clerical assistants; to provide for the payment of salaries and expenses out of funds accruing hereunder; and to fix penalties for violation of this act.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 30; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Kelly	Norwood
Beale	Craft	Leith	Phillips
Bedsole	Ellis	Miller	Prestwood
Briscoe	Espy	Moore	Rogers (Sumter)
Brown	Evins	Morris	Sims
Butler	Gunter	McDowell	Tally
Carlton	Harper	Nance	West
Carmichael	Huddleston		

—30

Nays:—None.

The bill:

S. 180. To regulate inferior courts or courts of common please, or by whatsoever name the same is known and called, in cities having as many as thirty-five thousand and less than fifty thousand population, according to the last or any subsequent Federal census; to provide and define the jurisdiction and powers of such courts; to provide for the judges and officers of such courts, and their powers, duties and compensation and to fix the fees and costs for such courts; to provide the rules of procedure for such courts, and for the operation thereof; and to provide for registering, and a lien for its judgments; and to abolish justices of the peace in such cities.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; Nays, 0.

Yeas:

Messrs:

Acker	Bedsole	Brown	Carlton
Beale	Briscoe	Butler	Carmichael

Cowan	Harper	Morris	Prestwood
Craft	Huddleston	McDowell	Rogers (Sumter)
Ellis	Kelly	Nance	Sims
Espy	Leith	Norwood	Tally
Evins	Miller	Phillips	West
Gunter	Moore		

—30

*Nays*:—None.

The bill:

S. 183. To regulate the appointment and prescribe the qualifications of staff officers, including pay, inspection, subsistence and medical departments in the National Guard.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 30; Nays, 0.

*Yeas*:

Messrs:

Acker	Cowan	Kelly	Norwood
Beale	Craft	Leith	Phillips
Bedsole	Ellis	Miller	Prestwood
Briscoe	Espy	Moore	Rogers (Sumter)
Brown	Evins	Morris	Sims
Butler	Gunter	McDowell	Tally
Carlton	Harper	Nance	West
Carmichael	Huddleston		

—30

*Nays*:—None.

The bill:

S. 186. To amend section 3713 of the Code of Alabama of 1907.

Was read a third time at length, passed and ordered sent forthwith to the House without engrossment.

Yeas, 30; Nays, 0.

*Yeas*:

Messrs:

Acker	Cowan	Kelly	Norwood
Beale	Craft	Leith	Phillips
Bedsole	Ellis	Miller	Prestwood
Briscoe	Espy	Moore	Rogers (Sumter)
Brown	Evins	Morris	Sims
Butler	Gunter	McDowell	Tally
Carlton	Harper	Nance	West
Carmichael	Huddleston		

—30

*Nays*:—None.

The bill:

S. 148. To grant to the United States government a site for a maritime quarantine station, including the conveyance of need-

ful soil now or heretofore covered by navigable waters of the State of Alabama, and to cede jurisdiction thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Kelly	Norwood
Beale	Craft	Leith	Phillips
Bedsole	Ellis	Miller	Rogers (Sumter)
Briscoe	Espy	Moore	Sims
Brown	Evins	Morris	Tally
Butler	Gunter	McDowell	West
Carlton	Harper	Nance	

—27

*Nays:*—None.

The bill:

S. 185. To amend section 6635 of the Code of Alabama of 1907.

Was taken up.

The Committee on Revision of Laws offered the following amendment to said bill, to-wit:

Amend section one as follows:

By striking out the words where they appear in last paragraph to-wit: "Only when defendant is sentenced to hard labor or fine and costs paid or judgment confessed therefor" and by adding after the words "to be charged" the following: As now under general law.

Which was adopted.

Yeas, 29; Nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Huddleston	Nance
Beale	Craft	Kelly	Norwood
Bedsole	Ellis	Leith	Phillips
Briscoe	Espy	Miller	Prestwood
Brown	Evins	Moore	Rogers (Sumter)
Butler	Gunter	Morris	Sims
Carlton	Harper	McDowell	Tally
Carmichael			

—29

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment:

Yeas, 29; Nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Huddleston	Nance
Beale	Craft	Kelly	Norwood
Bedsole	Ellis	Leith	Phillips
Briscoe	Espy	Miller	Prestwood
Brown	Evins	Moore	Rogers (Sumter)
Butler	Gunter	Morris	Sims
Carlton	Harper	McDowell	Tally
Carmichael			

—29

*Nays:*—None.

#### BILL TAKEN FROM CALENDAR AND RE-COMMITTED.

Mr. Bedsole moved that the bill:

S. 132. To create the Alabama centennial commission, to prescribe its powers and duties, and to make an appropriation for the appropriate celebration, under the direction of the commission, of the one hundredth anniversary of the admission of Alabama into the Federal union.

Be taken from the calendar and re-referred to the Standing Committee on Finance and Taxation, which motion prevailed, and said bill was re-referred by the President of the Senate to the Standing Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 212. To amend the title and sections one (1), three (3), four (4), fifteen (15) and 29, and paragraphs B and D of section eight (8) of an act "To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire department of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of the officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to declare the said board of trustees the trustee of such

fund; to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into said fund the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenues received from licenses issued by such cities; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such fund of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the city attorney and city physician in connection with said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits out of said fund from levy; to provide the time of taking effect of this act," approved September 28, 1915.

Also:

H. 178. To provide for the incorporation of societies of persons seeking to promote the development or betterment of communities, municipalities or counties in this State or other public purposes, without pecuniary profit to the individual members; and to exempt the property of such societies from taxation.

Also:

H. 284. To authorize the sheriffs of all counties of a population of 82,000 and not more than 100,000 population, according to the last Federal census, to summons two guards, which said guards shall be in attendance in the jail of such counties, and to require the board of revenue of such counties to pay to each of such guards, the sum of \$100.00 per month out of the general fund of such counties, and to provide for the payment thereof, and to abolish the office of assistant night jailer in such counties.

Also:

H. 181. To prohibit persons from throwing into the public highways bottles, fragments of glass, tacks, nails or other things likely to injure persons or vehicles passing along the highways.

Also:

H. 224. To prohibit the public or private display or use within the State of Alabama of certain flags, emblems and insignias; and to prescribe penalties for the violation thereof.

Also:

H. 182. To prohibit the keeping, exhibiting or operating of pool or billiard tables, on which the public can play, outside incorporated cities and towns having a police force.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 212 and H. 284. To the Committee on Local Legislation.

H. 178. To the Committee on Finance and Taxation.

H. 181. To the Committee on Public Roads and Highways.

H. 224. To the Committee on Revision of Laws.

H. 182. To the Committee on Temperance.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in S. J. R. 40, relative to the budget commission, sitting during the recess to consider the old soldiers' claims.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### RESOLUTIONS.

The resolution:

H. J. R. 36. Memorializing Congress to strengthen immigration laws and the enforcement thereof.

Was read a third time at length and adopted.

Yeas, 27; Nays, 0.

Yeas:

Messrs:

Acker

Beale

Bedsole

Briscoe

Butler

Carmichael

Cowan

Craft

Espy

Evins

Gunter

Harper

Huddleston	Moore	Norwood	Sims
Kelly	Morris	Phillips	Tally
Leith	McDowell	Prestwood	West
Miller	Nance	Rogers (Sumter)	

—27

*Nays*:—None.

The resolution:

H. J. R. 28. Asking the proper authorities of the United States to use all available means to expedite the return of all American troops whose presence is not absolutely required overseas and to hasten demobilization of all troops now in camp in the United States.

Was read a third time at length and adopted.

Yeas, 26; Nays, 0.

*Yeas*:

Messrs:

Acker	Cowan	Kelly	Norwood
Beale	Craft	Leith	Prestwood
Bedsole	Espy	Miller	Rogers (Sumter)
Briscoe	Evins	Morris	Sims
Butler	Gunter	McDowell	Tally
Carlton	Harper	Nance	West
Carmichael	Huddleston		

—26

*Nays*:—None.

The resolution:

S. J. R. 30. Be it resolved by the Senate of Alabama, the House concurring, that the Congress of the United States be asked to appropriate the sum of two hundred and fifty thousand dollars (\$250,000.00) to investigate and if possible to perfect a specific for the elimination of "flu."

Was read a third time at length and adopted, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 1.

*Yeas*:

Messrs:

Acker	Espy	Miller	Prestwood
Bedsole	Evins	Moore	Rogers (Sumter)
Briscoe	Gunter	Morris	Sims
Carlton	Harper	McDowell	Smith (Coosa)
Carmichael	Huddleston	Norwood	Tally
Cowan	Kelly	Phillips	West
Craft	Leith		

—26

*Nays*:—Mr. Beale.



The bill:

S. 164. To provide that jury commissioners in counties having a population of fifty thousand or less shall elect one of its number to act as secretary, or clerk of the commission and to provide that no extra compensation for such services be allowed.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Leith	Norwood
Beale	Craft	Miller	Phillips
Bedsole	Espy	Moore	Rogers (Sumter)
Briscoe	Evins	Morris	Sims
Brown	Gunter	McDowell	Tally
Carlton	Harper	Nance	West
Carmichael	Kelly		

—26

*Nays:*—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 58. To amend section 6964 of chapter 224 of the Code of 1907.

Also:

S. 92. To declare and abate nuisances defined in the act, and to prescribe procedure, remedies, punishments and penalties.

And has amended as therein shown and as amended has passed,

S. 17. To regulate the assessment of cost of public improvements against property by municipalities, and to provide a method by which assessments originally levied against a tract of land may be split and divided among the interested property owners, and providing for the correction of errors in the descriptions of ownerships, and for reducing the assessments before, pending appeal, or after an appeal has been decided, and authorizing the governing bodies of cities to settle and compromise cases of assessment or judgments thereon.

Also:

S. 90. To provide for extension work in agriculture and home economics by giving instruction to men, women and young people in the several counties in Alabama, by continuing and improving farm demonstration work, by organizing marketing clubs, by organizing and supervising boys' corn and pig clubs, girls' canning clubs, women's clubs in home economics and by conducting other extension work through other means, all with a view to making farm life more profitable and attractive; to se-

cure for Alabama the full amount of the funds conditionally appropriated by Congress under the Smith-Lever extension act for extension work in agriculture and home economics; and to make appropriations for these purposes.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. West, the Senate concurred in the following amendment by the House to S. 17, the title of which is set out in the foregoing message from the House, to-wit:

Amend by adding at the end thereof the following:

Section 5. Provided, however, the owner of any portion of said tract of land may after said tract and the original assessment have been divided appeal from the resolution, judgment or order of the governing body levying said assessment in the same manner and under the same conditions or appeals are taken from original assessments, except that said appeal must be taken within five days after said judgment, resolution or order.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Harper	Norwood
Beale	Cowan	Kelly	Phillips
Bedsole	Craft	Leith	Rogers (Sumter)
Briscoe	Ellis	Miller	Sims
Brown	Espy	Moore	Tally
Butler	Evins	Nance	West
Carlton	Gunter		

—23

*Nays:*—None.

#### HOUSE MESSAGE.

On motion of Mr. Brown, the Senate concurred in the following amendments by the House to S. 90, the title of which is set out in the foregoing message from the House, to-wit:

Amend Senate bill No. 90 as follows:

Amend section 1 by striking out the following words: "These sums are the approximate amounts required to match the Federal allotment for extension work in agriculture and home economics under the provisions of the Smith-Lever act of Congress when the above amounts are supplemented by the present annual appropriation of twenty-five thousand dollars per year appropriated under the act of the Legislature of Alabama, approved February 11, 1911, to the State Board of Agriculture for demonstration work in co-operation with the U. S. Department of Agriculture;

provided, however, that for any year in which the last mentioned annual fund of twenty-five thousand dollars appropriated to the State Board of Agriculture may not be available as an offset to Federal funds for co-operative extension work as provided under the Smith-Lever extension act of Congress there is hereby annually appropriated for extension work in agriculture and home economics as provided for in this act of the Legislature of Alabama the additional sum of twenty-five thousand dollars in order to secure the maximum amount of funds conditionally allotted to extension work in Alabama."

Amend section 5 by adding at the end of the section the following words: "but nothing in this act shall be construed as repealing the act approved February 11, 1911 for farm demonstration work in Alabama."

Amend section 2 so that it will read as follows:

These sums shall be expended under the direction of the board of trustees of the Alabama Polytechnic Institute, which board of trustees shall appoint a commission of three men with the governor of the State as chairman and the said committee shall direct the extension service of said institute in the expenditure of all moneys whatever relevant to the putting into effect of this act, and in such manner as to secure for extension work in Alabama in any year the maximum amount of the fund conditionally appropriated for that year by the Congress of the United States under the terms of the agricultural extension act, generally known as the Smith-Lever act, approved May 8th, 1914. If there should remain in any year any balance of the State appropriation after satisfying the requirements of the said Smith-Lever act of Congress, these balances may be used with the approval of the above mentioned commission in providing quarters for the official and public use of the persons engaged in extension work in Alabama and for other purposes related to extension work. Any balance remaining unexpended on June thirtieth of any year shall be added to the amount available for the next ensuing year; any revenue incidentally derived from the sale of equipment or other articles shall be further applied to the purposes of this act.

To further amend Senate bill No. 90 as follows:

By striking out section 4 and substituting the following words: "On or before the tenth day of each month the extension service of the Alabama Polytechnic Institute shall make a report to the governor showing to whom any moneys were paid during the preceding month, naming the amounts paid to each person and the cause or causes for which said moneys were paid, with such degree of itemizing as the governor may require."

Yeas, 28; Nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Kelly	Phillips
Beale	Craft	Leith	Prestwood
Bedsole	Espy	Miller	Rogers (Sumter)
Briscoe	Evins	Morris	Sims
Brown	Gunter	McDowell	Smith (Coosa)
Butler	Harper	Nance	Tally
Carmichael	Huddleston	Norwood	West

—28

*Nays:*—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 82. To provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty cents (30) on each one hundred (100) dollars worth of taxable property in such county; to authorize any school district, in any county that may be levying a special county taxes for school purposes of not less than thirty (30) cents on each one hundred (100) dollars worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100) worth of taxable property in such school district; and to authorize boards of education to issue interest-bearing warrants, to erect, repair and equip school buildings and to otherwise improve school facilities.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has adopted:

S. J. R. 24. Relative to a recess committee to consider and prepare a constructive and practical system for the employment of State and county convicts; and the building and upkeep of public roads and highways.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Leith, the Senate concurred in the following amendment by the House to S. J. R. 24, the title of which is set out in the foregoing message from the House, to-wit:

## SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 24.

Resolved, 1. That a joint committee from the Senate and the House of Representatives of the Alabama Legislature is hereby authorized to consist of three members from the Senate, to be appointed by the President of the Senate, and five members from the House, to be appointed by the Speaker of the House, which shall sit during the recess of the Legislature for the consideration of the several subjects hereinafter referred to. The President pro tem of the Senate and the Speaker of the House of Representatives shall be ex-officio members of the committee. The members of the committee shall be paid the same per diem and mileage as members of the Legislature are now paid; shall have authority to employ one clerk or stenographer, who shall receive the same pay as a member of the committee; and shall have power to summons witnesses, and call for books and papers; and do and perform such other acts as may be necessary to a full, complete and detailed investigation on the several subjects hereinabove referred to.

2. It shall be the duty of the committee to consider and prepare a constructive and practical system for the employment of all State and county convicts, particularly with reference to their employment upon the public roads and highways of the State, and to make investigations and inquire into the conditions now surrounding the care and custody of State and county convicts.

3. It shall be the further duty of the committee to consider the several bills and resolutions that have been introduced into the Legislature in reference to the building and upkeep of public roads and highways, and to make a complete and thorough study of public road conditions in Alabama.

4. The committee is hereby directed and required to make a full and detailed report of its investigations and findings on the several above named subjects to the Legislature not later than the twenty-fifth legislative day thereof, in which such recommendations shall be made, and such bills and resolutions submitted as the committee may consider proper. In its discretion the committee may cause its report to be printed as one of the series of legislative documents, in an edition of not exceeding two thousand copies.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Acker  
Beale  
Bedsole  
Briscoe

Brown  
Butler  
Carlton  
Carmichael

Cowan  
Craft  
Espy  
Evins

Gunter  
Huddleston  
Kelly  
Leith

Miller  
Moore  
McDowell

Nance  
Norwood  
Phillips

Prestwood  
Rogers (Sumter)  
Sims

Smith (Coosa)  
Tally  
West

—28

*Nays*:—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 285. To amend an act entitled, "An act to further prescribe and regulate the right and manner of taking appeals in civil and criminal cases and their submission to the supreme court and court of appeals," approved September 22, 1915.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bill in the foregoing House message was severally read once and referred to appropriate standing committee as follows:

H. 285. To the Committee on Judiciary.

#### CONSIDERATION OF SPECIAL ORDER.

The hour of 12 o'clock having arrived, the Senate proceeded to consider the special, paramount and continuing order for this hour, which was:

S. 53. Prescribing the liability of an employer to make compensation by way of damages for injuries due to accident received by an employee arising out of and in the course of employment and providing for the enforcement of same, modifying common law and statutory remedies, in such cases; establishing an alternative elective schedule of compensation, regulating procedure for the determination of liability and compensation thereunder in certain cases, and prescribing penalties for the violation thereof; and providing a lien for attorney's fees and for medical and surgical services.

Mr. Leith offered the following amendment to said bill, to-wit:  
Amend S. 53 by adding to section 30 the following:

"and shall state the contention of the defendant with reference to the matter in dispute as disclosed by the complaint. Within twenty (20) days after the service of the answer, the complainant may file and serve a verified reply admitting or denying the matters set forth in the answer.

"At the time fixed for hearing, or any adjournment thereof, the said judge shall hear such witnesses as may be presented by each party, and in a summary manner decide the merits of the controversy. This determination shall be filed in writing with the clerk of the said court, and judgment shall be entered thereon in the same manner as in causes tried in the said circuit court, and shall contain a statement of facts as determined by said judge. Subsequent proceedings thereon shall only be for the recovery of moneys thereby determined to be due, provided that nothing herein contained shall be construed as limiting the jurisdiction of the supreme court or court of appeals to review questions of law by certiorari. Costs may be awarded by said judge in his discretion, and when so awarded the same costs shall be allowed, taxed and collected as for like services and proceedings in civil cases, provided that if it shall appear that the employer, prior to the commencement of the action, made to the person or persons entitled thereto a written offer of compensation in specific terms, which terms were in accordance with the provisions of this act, then no costs shall be awarded or taxed against such employer. Whenever any decision or order is made and filed by the judge upon any matter arising under part 2 of this act, the clerk of the court shall forthwith make and forward to the judge of probate of the county in which the complaint was filed a certified copy of such decision or order with any memorandum of the judge and of any judgment entered. No fee or other charge shall be collected therefor. Provided, the plaintiff or owner of any judgment so certified may have the same registered by the probate judge upon the payment of the fee now fixed by law for registering judgments, and the same shall become a lien in like manner as other registered judgments, unless the same is made a preferred lien by other provisions of some law. When the judgment, however, is for a sum not due, that is payable periodically, the defendant may discharge the registered lien by giving a bond for the payment of same to be approved by the probate judge and recorded and for which he shall receive the same fee for registration.

Mr. Phillips moved that the consideration of said bill and amendment be postponed until the 21st legislative day, pending the consideration of said motion,

#### RECESS.

At 1 P. M., on motion of Mr. Acker, the Senate took a recess until 2:30 o'clock this afternoon.

## AFTERNOON SESSION.—SIXTEENTH DAY.

Tuesday, February 11, 1919.

The Senate re-assembled at 2:30 o'clock P. M., Lieutenant Governor Miller presiding.

## ROLL CALL.

On a call of the roll 24 members answered to their names, a quorum of the Senate.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Smith of Coosa:

S. 201. To repeal an act entitled "An act to provide for the working, grading, improvement and building of the public roads and bridges of Coosa county, Alabama, and to provide revenue for doing same."

## Public Roads and Highways.

With notice and proof attached and herewith exhibited as follows:

## PUBLIC NOTICE.

To All Whom It May Concern:

Notice is hereby given that a bill will be introduced in the next session of the Legislature of Alabama, commencing on the 14th day of January, 1919, to be entitled an act to repeal an act entitled, "An act to provide for the working, grading, improving and rebuilding of the public roads and bridges of Coosa county, Alabama, and to provide revenue for doing same. Approved February 19th, 1915.

This January 13th, 1919.

State of Alabama, }  
Coosa County. }

On this 7th day of February, 1919, before me, Geo. H. Stewart, judge of probate in and for said county and State, personally appeared A. D. Bentley, who being duly sworn, deposes and says that he is editor and publisher of The Chronicle, a weekly newspaper published each week at Rockford, Coosa county, Alabama, and who further deposes and says that the notice hereto attached was published in said newspaper in Rockford, Coosa county, Alabama, for four successive weeks on the following dates, to-wit: January 17th, 1919, January 24th, 1919, January 31st, 1919, and February 7th, 1919.

(Signed) A. D. Bentley.

Sworn to and subscribed before me on this, the 7th day of February, 1919.

(Signed) Geo. H. Stewart,  
Judge of Probate.



By Mr. Miller:

S. 202. To repeal the local road law of Wilcox county, Alabama, approved September 22nd, 1915.

Public Roads and Highways.

With notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama at the session of 1919 for the passage of a local law for Wilcox county, Alabama, the substance of which proposed law is as follows:

AN ACT

To repeal the local road law of Wilcox county, Alabama, approved September 22nd, 1915.

Be it enacted by the Legislature of Alabama:

That an act entitled, "An act to provide for the construction, repairing and maintaining of the public roads and bridges of Wilcox county, Alabama; to provide revenue for same; to define the powers, and duties of the county commissioners with reference to same; to provide for the purchase of mules and equipment for same; to provide for a supervisor and of overseers, defining their duties, prescribe rules, regulations and penalties in order to carry into effect the provisions and purposes of this act," approved September 22nd, 1915, be and the same is hereby repealed.

PROOF OF PUBLICATION.

The State of Alabama, }  
Wilcox County. }

Personally came before me, Pat M. Donnelly, in said county and State, S. C. Godbold, who being by me first duly sworn, states on oath that he is publisher of Wilcox Progressive Era, a newspaper published in Camden, in said county and State, and that the publication of the notice, a copy of which is hereto attached, has been in said paper four times as follows: Beginning with volume 31, No. 3 on the 16th day of January, 1919, ending with volume 31, No. 6, on the 6th day of February, 1919.

(Signed) S. C. Godbold.

Sworn to and subscribed before me, this the 7th day of February, 1919.

(Signed) Pat M. Donnelly,

Judge of Probate Wilcox County, Alabama.

By Mr. Acker:

S. 203. To further authorize the governor to enforce the laws and preserve the peace of the State and to prescribe the means whereby this duty may be performed by the governor.

Judiciary.

REPORTS OF COMMITTEES.

Mr. Phillips, chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Arnold of Jefferson:

H. 54. To provide for absent qualified electors of the State of Alabama to vote in any primary election in this State while absent from the State or county in which he is a qualified elector; to provide the method of carrying out such provision; and to require election officers and others charged with duties hereunder to perform duties in connection therewith.

By Mr. Cobbs:

H. 170. To provide for temporary appointment of United States Senator.

Mr. Brown, chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Beale:

S. 195. To extend the corporate limits of the city of Tuscaloosa, Alabama.

Mr. Carmichael, chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smith of Coosa:

S. 165. To authorize the State board of examiners to issue emergency certificates good until the July, 1919, examination.

By Mr. Rogers of Lauderdale:

S. 129. To authorize courts of county commissioners or boards of revenue of any county, in which the State or Federal authorities shall take or have taken up the work of farm demonstration or the organization of farm life clubs, to appropriate funds for aiding in such work.

By Mr. Manasco:

H. 200. To provide for the acceptance of the benefits of an act passed by the Senate and the House of Representatives of the United States of America, in Congress assembled, to provide for the promotion of vocational education, to provide for the appointment of a State board for vocational education, and to provide for the duties thereof, and to make appropriations for vocational education.

Mr. Cowan, chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a

favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Manasco:

H. 278. To amend section 5 of an act entitled an act to create for Walker county, Alabama, the office of full time health officer; to provide for the election of such health officer, and prescribe the terms of office, duties, salary and expenses of such officer, approved September 17, 1915.

By Mr. Oakley:

H. 105. To provide for the control of venereal diseases by an antenuptial physical examination of men, which shall be done within fifteen days before granting marriage license, fixing penalties for noncompliance.

Mr. Miller, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. West:

S. 187. To amend sections two, three and eight of an act approved September 22, 1915, "To amend article 31, chapter 41 of the Code of Alabama, 1907."

By Mr. Lee of Butler:

H. 203. To fix the time for holding the county court in Butler county, Alabama.

By Mr. McLeod:

H. 240. To abolish the county court of Covington county, and to transfer all causes, paper and records of said county court into the circuit court of Covington county for determination and to repeal all laws, general, special or local in conflict with the said act insofar as they relate to Covington county.

Mr. West, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gunter:

S. 171. To fix the salary of tax assessors in the counties having a population of over 82,000 and not exceeding 100,000 according to the last Federal census or any subsequent census, and allowance for clerical help in said offices, and to provide for payment thereof.

Mr. Butler, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted

on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cobbs:

H. 215. For the relief of Joseph Espalla, Jr., A. S. Lyons and H. W. Fowler.

Mr. Moore, chairman of the Standing Committee on Fish, Game and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Holmes of Baldwin:

H. 123. For the further protection of fish. To make it unlawful for any person to take or catch fish by the means of any net, seine, trap or other device as a substitute therefor, in any of the creeks, rivers or other streams, or in any of the estuaries, lagoons or lakes emptying into any of the salt waters, or bays of this State, and to make it unlawful for any person to catch any bass, green trout, bream, goggle-eye by any other means than ordinary hook and line, troll, fly, spinner or substitute therefor in any of the waters of this State, and to prescribe penalties for the violation of the provisions of this act.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 287. To establish a board of revenue for Coffee county, Alabama, to prescribe its jurisdiction, powers and duties, to fix the compensation of its members, to fix their terms of office, to provide for election of their successors and fix their terms of office, thereby abolishing the court of county commissioners, the jury commission of said county, and the equalization board of said county.

And sends same herewith to the Senate, without engrossment, with notice and proof attached and herewith exhibited as follows:

#### NOTICE OF PROPOSED BILL.

Notice is hereby given that a bill will be introduced at the next session of the Legislature of Alabama to convene in January, 1919, providing for the creation and establishment of a board of revenue for Coffee county, and providing that the present county commissioners of Coffee and one other person to be named in the bill shall constitute the members of said board, and providing that such fifth member of the board shall be its president and shall discharge the duties and powers now conferred by the general laws of the State upon the probate judge of the county; and providing for the election of said members of the said board of revenue, four of said

members shall be elected as the four county commissioners are now elected, one from each commissioner's district; and the commissioner's districts as now provided in Coffee shall be and remain the election districts for the election of the members of the board of revenue to succeed the county commissioners who shall constitute four members of the board of revenue until the next general election; that the fifth member and president of said board of revenue shall be elected from the county at large at the general election in 1920, nomination therefor to be made in the primary election in 1920, and the term of office of said president of the board shall be four years and until his successor shall be elected and shall qualify; that the terms of the members elected from the S. E. district and the N. W. district in 1920 shall be for two years, their successors being elected in 1922, and each four years thereafter; and the members of the said board elected from the N. E. and S. W. districts shall be elected in 1920 and each four years thereafter.

Said bill will also provide for the compensation of said members, and will limit the number of days they are to receive compensation to be paid out of the county treasury on warrants signed by the president of the board; that meetings of said board of revenue shall be on the first Mondays in February, April, August, and November of each year, to be held at Elba and Enterprise as the commissioners' courts are now held, and such special meetings as now provided by law. It will also be provided in said bill that the members of said board of revenue, except the president thereof, shall not receive compensation for a greater number than fifty days in any one year, which shall be \$5.00 a day without mileage, and the president of the board shall not receive pay for more than sixty days at \$5.00 per day without mileage, but who shall have actual expenses for time spent inspecting roads, reasonable sums to be allowed by the board for keeping the records and books and office files.

Said bill will provide for clerk of said board of revenue who shall be one of said members, or otherwise as they may direct, and that vacancies may be filled by appointment as now provided for vacancies in commissioners' courts or boards of revenue under the general laws of the State.

This bill will also confer upon said board of revenue all the powers, authority, and duties of the jury commissioners of Coffee county as provided under the general laws of the State of Alabama, said board of revenue at their regular or at special meetings shall perform all the duties of the jury commission, and the jury commission of said county of Coffee shall be abolished.

This bill will also provide that all the general authority, jurisdiction and powers now conferred under the general laws of Alabama upon the commissioners court of Coffee county shall be exercised by the said board of revenue, constituted as heretofore set forth, and providing that no member of the board of revenue shall during his term of office be the incumbent of any other county office, and providing for the abolition of the commissioners court of the county of Coffee.

This bill will provide that all the power, authority, jurisdiction or control over the valuation, equalization or assessment of property for taxation, as provided under the general laws set forth in the Code of 1907 of Alabama shall be conferred upon and exercised by the board of revenue and that the county equalization board of Coffee county, as provided by sec. 62 of an act of the Legislature of 1915, entitled, "An act to provide for the assessment, valuation and equalization, etc.," shall be abolished, and sections 62 to 83, inclusive, so far as they apply to Coffee county, Alabama, shall be repealed.

J. A. Carnley.

December 9, 1918.

State of Alabama, }  
 Coffee County. }

Before me, M. L. Warren, a notary public in and for said State and county, personally appeared G. W. Carlisle, who being sworn, says on oath, that he is editor and owner of The Peoples Ledger, a newspaper published at Enterprise, Coffee county, Alabama, and that the hereto attached notice was published in said newspaper once a week for 4 consecutive weeks the first insertion being in issue dated January 3, 1919, and the last in issue dated January 24, 1919.

G. W. Carlisle.

Sworn to and subscribed before me this 3rd day of February, 1919.

(Seal.) M. L. Warren,  
 Notary Public in and for said State and County.  
 Fred H. Gormley,  
 Clerk.

#### HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 287. To the Committee on Judiciary.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Green:

H. J. R. 53. Resolved, by the House of Representatives, the Senate concurring, that the secretary of state be requested to forthwith communicate to the Legislature the exact number of volumes and the number of copies of each volume of the report of the Alabama court of appeals, printed in the years 1915, 1916, 1917 and 1918, respectively, together with the total cost paid the State printer for each volume, the number of copies of each volume sold to the public, the number of copies of each distributed under the law, and the number of copies of each on hand.

And sends same herewith to the Senate.

Fred H. Gormley,  
 Clerk.

#### HOUSE MESSAGE.

House joint resolution No. 53, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

*To the Senate of Alabama:*

I am herewith returning Senate bill No. 70, being a bill entitled an act to provide a better system of public roads for the county of Cullman, State of Alabama, without my approval.

It is provided in section 13 of the bill as follows:

"And the general law as to opening, granting and establishing new, either public or private roads is hereby specially repealed."

In my judgment this part of the bill is violative of section 105 of the Constitution of Alabama, which provides in substance that no local law, except a law fixing the time of holding courts, shall be enacted in any case which is provided for by general law or when the relief sought can be given by any court of this State; nor shall the Legislature indirectly enact any such local law by the partial repeal of a general law.

I, therefore, propose that the bill be amended so as to make section 13 read as follows:

Section 13. That the county commissioners or commissioners' court shall have the active control and management of the public roads and bridges in said county; the manner of working, maintaining, changing or locating the same, and granting new roads, and shall by deed or easement obtain right of ways for public road purposes, and shall have the right as provided under the general law as to condemnation proceedings for such purposes, and have the right to grant, open and establish private or settlement roads."

Respectfully submitted,  
Thos. E. Kilby,  
Governor.

February 11, 1919.

#### GOVERNOR'S MESSAGE.

The foregoing message from his excellency, the governor, was, on motion of Mr. Acker, laid on the Secretary's desk on account of the absence of Mr. Griffith, author of the bill proposed to be amended thereby.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 286. To amend section 3513 of the Code of Alabama.

And sends same herewith to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 286. To the Committee on Municipalities and Municipal Organizations.

#### RESOLUTION.

Mr. Rogers of Sumter offered the following joint resolution:

S. J. R. 41. Whereas, The Honorable Borden Burr has accepted the joint invitation of the House and Senate to address the Legislature; therefore, be it

Resolved by the Senate, the House concurring, That on Wednesday, February 12th, at high noon, the members of the Senate and of the House assemble in the hall of the House of Representatives to hear this distinguished gentleman.

Which was, under a suspension of the rules, adopted and ordered sent forthwith to the House without engrossment.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed:

S. 34. To amend section 3101 of the Code.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. McDowell, the Senate concurred in the following amendment by the House to S. 34, the title of which is set out in the foregoing message from the House, to-wit:

Amend Senate bill No. 34 by substituting the word "by" for the word "of" in the fifth line from the bottom of said bill as engrossed.

Yeas, 31; Nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Kelly	Phillips
Beale	Craft	Leith	Prestwood
Bedsole	Ellis	Miller	Rogers (Sumter)
Briscoe	Espy	Moore	Sims
Brown	Evins	Morris	Smith (Coosa)
Butler	Gunter	McDowell	Tally
Carlton	Harper	Nance	West
Carmichael	Huddleston	Norwood	

—31

*Nays:*—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

Substitute to H. 283:

To amend an act entitled "An act to amend an act entitled 'An act to provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or may hereafter have a population of as much as twenty-five thousand and less than fifty thousand people, according to the last Federal census, or any such census which may hereafter be



taken; to regulate the selection and election of commissioners and their terms of office and recall from office, to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said commission form of government' approved April 6th, 1911" passed February 5th, 1915, by amending sections 9, 11, 14, 15, 21½ and 27½ thereof, by repealing sections 13 and 27 thereof, and by adding thereto an additional section.

And sends same herewith to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 283. To the Committee on Privileges and Elections.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House bill:

H. 268. To amend sections two, three, and eight of an act approved September 22, 1915, "To amend article 31, chapter 41 of the Code of Alabama, 1907."

And sends same herewith to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 268. To the Committee on Education.

#### BILLS RECALLED AND RE-REFERRED.

Mr. Bedsole moved that the bill:

H. 229. To create the Alabama Centennial Commission, to prescribe its powers and duties, and to make an appropriation for the appropriate celebration, under the direction of the commission, of the one hundredth anniversary of the admission of Alabama into the Federal Union.

Be recalled from the Committee on Judiciary and re-referred to the Standing Committee on Finance and Taxation, which motion prevailed and the President of the Senate, in pursuance of

such motion, re-referred said bill to the Standing Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in S. J. R. No. 41, relative to the two houses assembling in the hall of the House of Representatives on Wednesday, February 12th, at high noon for the purpose of hearing Hon. Borden Burr of Jefferson county.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the amendments proposed by his excellency, the governor, to

H. 42. "To amend an act approved September 15th, 1915, entitled 'An act to require all county solicitors, all circuit solicitors, any solicitors of any court of record to give opinions to all county officials in all matters connected with their offices except in suits against official bonds.'"

Said governor's amendment being as follows:

*To the House of Representatives:*

I return herewith H. 42 with an amendment to remove my objections to the bill. The objections are:

1. That in section 1 of the bill the title of the act to be amended is not fully or correctly stated as the same appears in the Acts of 1915.

2. The limitation of the scope and meaning of the amended bill by the use of the words "or elsewhere" in the concluding paragraph of section 1 is not germane to the subject of the bill and would be invalid; therefore, I propose the following amendment:

1. Amend section 1 of the H. 42 by inserting in the title of the act to be amended as stated in section 1 just after the words "all county solicitors" and just before the words "any solicitor of any court of record" the words "all circuit solicitors."

2. Strike out of section 1 the words "or elsewhere" just after the words "but nothing herein" and before the words "shall be so construed as to limit," etc.

Respectfully,  
Thos. E. Kilby,  
Governor.

February 11, 1919.

The vote on the same being Yeas, 60; Nays, 0, which was a majority of the whole number elected to the House, and sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## HOUSE AND GOVERNOR'S MESSAGE.

On motion of Mr. Bedsole, the Senate concurred in and adopted the amendment proposed by his excellency, the governor, to House bill No. 42, the title of which is set out in the foregoing message from the House, and said amendment being set out in the foregoing message from the governor.

Yeas, 30; Nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Kelly	Norwood
Beale	Craft	Leith	Phillips
Bedsole	Ellis	Miller	Prestwood
Briscoe	Espy	Moore	Rogers (Sumter)
Brown	Evins	Morris	Sims
Butler	Gunter	McDowell	Tally
Carlton	Harper	Nance	West
Carmichael	Huddleston		

—30

*Nays:*—None.

Which was a majority of the whole number elected to the Senate.

## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House joint resolutions, your signature thereto is requested:

H. J. R. 28. Asking the proper authorities of the United States to use all available means to expedite the return of all American troops whose presence is not absolutely required overseas and to hasten demobilization of all troops now in camp in the United States.

Also:

H. J. R. 33. Creating a joint recess committee consisting of representatives and senator from Jefferson county.

Also:

H. J. R. 36. Memorializing Congress to strengthen immigration laws and the enforcement thereof.

Fred H. Gormley,  
Clerk.

## SIGNING OF JOINT RESOLUTIONS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following joint resolutions:

H. J. R. 28. Asking the proper authorities of the United States to use all available means to expedite the return of all American troops whose presence is not absolutely required overseas and to hasten demobilization of all troops now in camp in the United States.

Also:

H. J. R. 33. Creating a joint recess committee consisting of representatives and senator from Jefferson county.

Also:

H. J. R. 36. Memorializing Congress to strengthen immigration laws and the enforcement thereof.

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills beg leave to report that said committee, in session, have compared the following enrolled bills, with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

S. 58. To amend section 6964 of chapter 224 of the Code of 1907.

S. 25. To prescribe the limitation within which actions to test the validity of municipal bonds or elections to levy taxes or to issue bonds shall be commenced.

S. 92. To declare and abate nuisances defined in the act, and to prescribe procedure, remedies, punishments, and penalties.

Chas. McDowell, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

S. 58. To amend section 6964 of chapter 224 of the Code of 1907. (Relates to open season on squirrels.)

Also:

S. 25. To prescribe the limitation within which actions to test the validity of municipal bonds or elections to levy taxes or to issue bonds shall be commenced.

Also:

S. 92. To declare and abate nuisances defined in the act, and to prescribe procedure, remedies, punishments and penalties.

## BILLS ON THIRD READING.

The bill:

H. 134. For the relief of T. W. Barker.

Was read a third time at length and passed.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Kelly	Phillips
Beale	Craft	Leith	Prestwood
Bedsole	Ellis	Miller	Rogers (Sumter)
Briscoe	Espy	Moore	Sims
Brown	Evins	Morris	Smith (Coosa)
Butler	Gunter	McDowell	Tally
Carlton	Harper	Nance	West
Carmichael	Huddleston	Norwood	

—31

Nays:—None.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 143. To amend section 1436 of the Code of Alabama.

And sends same herewith to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

## HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 143. To the Committee on Municipalities and Municipal Organizations.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

H. J. R. 54. Whereas, the measure now pending in Congress, popularly known as the Byrnes' Soldier Settlement bill, providing for the appropriation of one hundred million dollars to be expended under the direction of the secretary of the interior for the purpose of providing employment for and the opportunity of securing homes for returned soldiers and sailors is of great general importance to the entire country, involving as it does far reaching plans of re-adjustment, and

Whereas, immediate action by Congress is necessary in order that plans may be perfected and put into operation;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring, that the Senators and Representatives in Congress from the State of Alabama, be and they are hereby very earnestly urged to lend their earnest, enthusiastic and immediate efforts towards securing the prompt passage of the said bill before the adjournment of the present session of Congress.

Resolved, that a copy of these resolutions be transmitted by the governor under the seal of State to the said Senators and Representatives.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Bedsole, House joint resolution No. 54, set out in the foregoing message from the House was, under a suspension of the rules, adopted.

Yeas, 31; Nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Kelly	Phillips
Beale	Craft	Leith	Prestwood
Bedsole	Ellis	Miller	Rogers (Sumter)
Briscoe	Espy	Moore	Sims
Brown	Evins	Morris	Smith (Coosa)
Butler	Gunter	McDowell	Tally
Carlton	Harper	Nance	West
Carmichael	Huddleston	Norwood	

—31

*Nays:*—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 168. To amend section 1 of an act entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained, approved September 10, 1915.

And sends same herewith to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 168. To the Committee on Public Roads and Highways.

## UNFINISHED BUSINESS.

The Senate proceeded to consider the unfinished business of the morning session, which was the motion made by Mr. Phillips to postpone the consideration of the bill:

S. 53. Prescribing the liability of an employer to make compensation by way of damages for injuries due to accident received by an employee arising out of and in the course of employment and providing for the enforcement of same, modifying common law and statutory remedies, in such cases; establishing an alternative elective schedule of compensation, regulating procedure for the determination of liability and compensation thereunder in certain cases, and prescribing penalties for the violation thereof; and providing a lien for attorney's fees and for medical and surgical services.

And the following amendment thereto offered by Mr. Leith at the morning session, to-wit:

Amend S. 53 by adding to section 30 the following:

"and shall state the contention of the defendant with reference to the matter in dispute as disclosed by the complaint. Within twenty (20) days after the service of the answer, the complainant may file and serve a verified reply admitting or denying the matters set forth in the answer.

"At the time fixed for hearing, or any adjournment thereof, the said judge shall hear such witnesses as may be presented by each party, and in a summary manner decide the merits of the controversy. This determination shall be filed in writing with the clerk of the said court, and judgment shall be entered thereon in the same manner as in causes tried in the said circuit court, and shall contain a statement of facts as determined by said judge. Subsequent proceedings thereon shall only be for the recovery of moneys thereby determined to be due, provided that nothing herein contained shall be construed as limiting the jurisdiction of the supreme court or court of appeals to review questions of law by certiorari. Costs may be awarded by said judge in his discretion, and when so awarded the same costs shall be allowed, taxed and collected as for like services and proceedings in civil cases, provided that if it shall appear that the employer, prior to the commencement of the action, made to the person or persons entitled thereto a written offer of compensation in specific terms, which terms were in accordance with the provisions of this act, then no costs shall be awarded or taxed against such employer. Whenever any decision or order is made and filed by the judge upon any matter arising under part 2 of this act, the clerk of the court shall forthwith make and forward to the judge

of probate of the county in which the complaint was filed a certified copy of such decision or order with any memorandum of the judge and of any judgment entered. No fee or other charge shall be collected therefor. Provided, the plaintiff or owner of any judgment so certified may have the same registered by the probate judge upon the payment of the fee now fixed by law for registering judgments, and the same shall become a lien in like manner as other registered judgments, unless the same is made a preferred lien by other provisions of some law. When the judgment, however, is for a sum not due, that is payable periodically, the defendant may discharge the registered lien by giving a bond for the payment of same to be approved by the probate judge and recorded and for which he shall receive the same fee for registration.

Until the twenty-first legislative day.

Mr. Leith moved to table the motion made by Mr. Phillips, which motion prevailed, and the motion of Mr. Phillips was laid on the table.

And the amendment offered by Mr. Leith was then adopted.

Yeas, 29; Nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Leith	Phillips
Beale	Ellis	Miller	Prestwood
Bedsole	Espy	Moore	Rogers (Sumter)
Briscoe	Evins	Morris.	Sims
Brown	Harper	McDowell	Smith (Coosa)
Carlton	Huddleston	Nance	Tally
Carmichael	Kelly	Norwood	West
Cowan			

—29

*Nays:*—None.

Mr. Rogers of Sumter offered the following amendment to said bill, to-wit:

Amend by striking out section 19 and inserting in lieu thereof the following:

Unless the injured workman, or a dependent, or some one in behalf of either, shall give notice thereof to the employer in writing within fourteen days after the occurrence of the injury, then no compensation shall be due until such notice is given. If the notice is given within thirty days from the occurrence of the injury, no want, failure or inaccuracy of a notice shall be a bar to obtaining compensation, unless the employer shall show that he was prejudiced by such want, defect or inaccuracy, and then only to the extent of such prejudice. If the notice is given within ninety days, and if the employee or other beneficiary shall show



that his failure to give prior notice was due to his mistake, inadvertence, ignorance of fact, or inability, or to the fraud, misrepresentation or deceit of the employer or his agent, then compensation may be allowed, unless the employer shall show that he was prejudiced by failure to receive such notice, in which case the amount of compensation shall be reduced by such sum as shall fairly represent the prejudice shown. Unless notice be given within ninety days after the occurrence of the injury, no compensation shall be allowed.

Which was adopted.

Yeas, 29; Nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Huddleston	Norwood
Beale	Craft	Leith	Phillips
Bedsole	Ellis	Miller	Prestwood
Briscoe	Espy	Moore	Rogers (Sumter)
Brown	Evins	Morris	Sims
Butler	Gunter	McDowell	Smith (Coosa)
Carlton	Harper	Nance	West
Carmichael			

—29

*Nays:*—None.

Mr. Leith also offered the following amendment to said bill, to-wit:

Amend S. 53 by adding to section 13 the following paragraphs:

(g) The compensation shall be computed on the basis of the annual earnings which the injured person received as salary, wages or earnings if in the employment of the same employer continuously during the year next preceding the injury.

(h) Employment by the same employer shall be taken to mean employment by the same employer in the grade in which the employee was employed at the time of the accident, uninterrupted by absence from work due to illness or any other unavoidable cause.

(i) If the injured person has not been engaged in the employment of the same employer for the full year immediately preceding the accident, the compensation shall be computed according to the annual earnings, which persons of the same class in the same employment and same location (or if that be impracticable, of neighboring employments of the same kind) have earned during such period.

(j) As to employees in employments in which it is the custom to operate throughout the working-days of the year, the annual earnings, if not otherwise determinable, shall be regarded as 300 times the average daily earnings in such computation.

(k) As to employees in employments in which it is the custom to operate for a part of the whole number of working-days in each year, such number, if the annual earnings are not otherwise determinable, shall be used instead of 300 as a basis for computing the annual earnings: provided, the minimum number of days which shall be so used for the basis of the year's work shall be not less than 200.

(l) In the case of injured employees who earn either no wages or less than the earnings of adult day laborers in the same line of employment in that locality, the yearly wage shall be reckoned according to the average annual earnings of adults of the same class in the same (for if that is practicable then of neighboring) employments.

(m) Earnings, for the purpose of this section, shall be based on the earnings for the number of hours commonly regarded as a day's work for that employment, and shall exclude over-time earnings. The earnings shall not include any sum which the employer has been accustomed to pay the employee to cover any special expense entailed on him by the nature of his employment.

(n) In computing the compensation to be paid to any employee, who, before the accident for which he claims compensation, was disabled and drawing compensation under the terms of this act, the compensation for each subsequent injury shall be apportioned according to the proportion of incapacity and disability caused by the respective injuries which he may have suffered.

(o) To determine the amount of compensation for each installment period, the amount per annum shall be ascertained pursuant hereto, and such amount divided by the number of installment periods per annum.

Which was adopted.

Yeas, 27; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Miller	Prestwood
Beale	Cowan	Moore	Rogers (Sumter)
Bedsole	Craft	Morris	Sims
Briscoe	Ellis	McDowell	Smith (Coosa)
Brown	Espy	Nance	Tally
Butler	Harper	Norwood	West
Carlton	Leith	Phillips	

—27

Nays:—None.

Mr. Leith also offered the following amendment to said bill, to-wit:

Amend S. 53 so that section 17 shall read as follows:

17. Waiting period—In cases of temporary, total or temporary partial disability no compensation shall be allowed for the first three days after injury received, except as provided by section 18, nor in any case unless the employer is notified thereof within the period specified in section 19.

Which was adopted.

Yeas, 17; Nays, 11.

*Yeas:*

Messrs:

Beale	Cowan	Huddleston	Norwood
Bedsole	Craft	Leith	Rogers (Sumter)
Briscoe	Espy	McDowell	Tally
Brown	Harper	Nance	West
Carmichael			—17

*Nays:*

Messrs:

Acker	Evins	Morris	Sims
Butler	Miller	Phillips	Smith (Coosa)
Ellis	Moore	Prestwood	—11

Mr. Bedsole offered the following amendment to said bill, to-wit:

Amend S. 53 so that section 8 shall read as follows:

8. Not applicable to certain employments.—This act shall not be construed or held to apply to any common carrier (doing an interstate business) while engaged in interstate commerce or to domestic servants, farm laborers or persons whose employment at the time of the injury is casual, and not in the usual course of the trade, business, profession or occupation of the employer, or to any employer who regularly employs less than nine employees.

Which was adopted.

Yeas, 29; Nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Leith	Phillips
Beale	Craft	Miller	Prestwood
Bedsole	Ellis	Moore	Rogers (Sumter)
Briscoe	Espy	Morris	Sims
Brown	Evins	McDowell	Smith (Coosa)
Butler	Harper	Nance	Tally
Carlton	Huddleston	Norwood	West
Carmichael			—29

*Nays:*—None.

Mr. Carmichael offered the following amendment to said bill, to-wit:

Amend said bill by striking from section 31 (A) the following words:

"but those writing such insurance shall in every case be subject to the conditions in this section hereinafter named. If the risk of the employer is carried by any insurer doing business for profit or by any insurance association or corporation formed of employers or of employers and workmen to insure the risks under part 2 of this act operating by the mutual assessment or other plan or otherwise, then insofar as policies are issued on such risk they shall provide for compensation for injuries or death according to the full benefits of part 2 of this act."

And by inserting in section 31 (A) the following words:

"or from limiting such insurance either as to maximum or minimum or taking out insurance policies with such other limitations as are authorized by law"—immediately following the following sentence in said section 31 (A) viz.:

"But nothing herein contained shall prevent an employer from insuring only a particular class or classes of employees or risks."

Which was adopted.

Yeas, 30; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Leith	Phillips
Beale	Craft	Miller	Prestwood
Bedsale	Ellis	Moore	Rogers (Sumter)
Briscoe	Espy	Morris	Sims
Brown	Evins	McDowell	Smith (Coosa)
Butler	Harper	Nance	Tally
Carlton	Huddleston	Norwood	West
Carmichael	Kelly		

—30

Nays:—None.

Mr. Acker offered the following amendment to said bill, to-wit:

Amend said act by striking therefrom wherever they occur therein the words: "sixty (60) per centum" and insert in lieu thereof the words: "fifty (50) per centum."

Mr. Leith moved to lay the amendment offered by Mr. Acker on the table, which motion was lost.

Yeas, 11; Nays, 19.

Yeas:

Messrs:

Bedsale	Carmichael	Harper	McDowell
Briscoe	Cowan	Huddleston	West
Brown	Craft	Leith	

—11

*Nays:*

## Messrs:

Acker	Espy	Moore	Rogers (Sumter)
Beale	Evins	Morris	Sims
Butler	Gunter	Norwood	Smith (Coosa)
Carlton	Kelly	Phillips	Tally
Ellis	Miller	Prestwood	—19

And the amendment offered by Mr. Acker was then adopted.  
Yeas, 18; Nays, 12.

*Yeas:*

## Messrs:

Acker	Espy	Moore	Prestwood
Beale	Evins	Morris	Rogers (Sumter)
Butler	Gunter	Norwood	Sims
Carlton	Kelly	Phillips	Smith (Coosa)
Ellis	Miller		—18

*Nays:*

## Messrs:

Bedsole	Carmichael	Harper	McDowell
Briscoe	Cowan	Huddleston	Tally
Brown	Craft	Leith	West
			—12

Mr. Acker also offered the following amendment to said bill, to-wit:

Amend said act by striking therefrom whenever they occur therein the words: "maximum compensation of seventeen and one-half (\$17.50) dollars per week and a minimum of six and one-half (\$6.50) dollars per week" and insert in lieu thereof the words: "maximum compensation of twelve (\$12.00) dollars per week and a minimum of five (\$5.00) dollars per week" and by striking from said bill wherever they occur the words "seventeen and one-half (\$17.50) dollars" and inserting in lieu thereof the words: "twelve (\$12.00) dollars" and by striking therefrom the words: "six and one-half (\$6.50) dollars" and inserting in lieu thereof the words: "five (\$5.00) dollars."

Mr. Brown offered the following amendment to the amendment offered by Mr. Acker, to-wit:

Amend by striking out the words "twelve dollars" and insert in lieu thereof the words: "fifteen dollars."

Which was lost.

Yeas, 13; Nays, 16.

*Yeas:*

## Messrs:

Bedsole	Cowan	Harper	Nance
Briscoe	Craft	Huddleston	Tally
Brown	Espy	Leith	West
Carmichael			—13

*Nays:*

## Messrs:

Acker	Ellis	Moore	Prestwood
Beale	Evins	Morris	Rogers (Sumter)
Butler	Kelly	Norwood	Sims
Carlton	Miller	Phillips	Smith (Coosa)

—16

Mr. Leith moved to lay the amendment offered by Mr. Acker on the table, which motion was lost.

Yeas, 11; Nays, 18.

*Yeas:*

## Messrs:

Briscoe	Cowan	Harper	Nance
Brown	Craft	Huddleston	West
Carmichael	Espy	Leith	

—11

*Nays:*

## Messrs:

Acker	Ellis	Morris	Rogers (Sumter)
Beale	Evins	Norwood	Sims
Bedsole	Kelly	Phillips	Smith (Coosa)
Butler	Miller	Prestwood	Tally
Carlton	Moore		

—18

The amendment offered by Mr. Acker was then adopted.

Yeas, 17; Nays, 12.

*Yeas:*

## Messrs:

Acker	Ellis	Moore	Prestwood
Beale	Evins	Morris	Rogers (Sumter)
Bedsole	Kelly	Norwood	Sims
Butler	Miller	Phillips	Smith (Coosa)
Carlton			

—17

*Yeas:*

## Messrs:

Briscoe	Cowan	Harper	Nance
Brown	Craft	Huddleston	Tally
Carmichael	Espy	Leith	West

—12

Pending the further consideration of said bill,

## ADJOURNMENT.

At 6 o'clock P. M., on motion of Mr. Evins, the Senate adjourned until 10 o'clock tomorrow morning.

## SEVENTEENTH DAY.

Wednesday, February 12, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

## PRAYER.

By Rev. Dr. Dannelly of Montgomery.

## ROLL CALL.

## Present:

Mr. President and

Messrs:

Acker	Cowan	Kelly	Phillips
Baker	Craft	Leith	Prestwood
Beale	Ellis	Miller	Rogers (Lauderdale)
Bedsole	Espy	Moore	Rogers (Sumter)
Briscoe	Evins	Morris	Sims
Brown	Gunter	McDowell	Smith (Coosa)
Butler	Harper	Nance	Tally
Carlton	Huddleston	Norwood	West
Carmichael			

—33

## JOURNAL.

On motion of Mr. Carmichael the reading of the Journal of yesterday was dispensed with and same was approved by the Senate.

## PRIVILEGES OF FLOOR.

On motion of Mr. Brown, the privileges of the floor were extended to Hon. Borden Burr of Birmingham.

On motion of Mr. West, the privileges of the floor were extended to Hon. Culpepper Exum of Birmingham.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Evins:

S. 204. To regulate the admission of evidence in the trial of criminal cases.

Judiciary.

By Mr. Baker (by request):

S. 205. To regulate fraternal beneficiary societies, orders or associations.

Banking and Insurance.

By Mr. Craft:

S. 206. To amend sections 3 and 4 of an act entitled "An act to create a State harbor commission to be known as the 'State Harbor Commission,' define its jurisdiction, powers and duties and prescribe the mode of procedure and penalties for violation of this act, and to repeal all laws in conflict therewith." Approved September 25th, 1915.

Revision of Laws.

#### REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Acker:

S. 203. To further authorize the Governor to enforce the laws and preserve the peace of the State and to prescribe the means whereby this duty may be performed by the governor.

By Mr. Tompkins:

H. 285. To amend an act entitled "An act to further prescribe and regulate the right and manner of taking appeals in civil and criminal cases and their submission in the supreme court and court of appeals; approved September 22, 1915."

By Mr. Ross:

H. 164. To provide for the payment of fees, charges and commissions of county officers and fines and forfeitures into the general fund of the county, in counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

By Mr. Longshore:

H. 59. To fix the salary of the deputy circuit solicitor of Shelby county, Alabama, at seventy-five (\$75.00) dollars per month, payable out of the county treasury of Shelby county, Alabama, and to provide for the drawing of said warrant and making of said warrant for said salary a preferred claim against the treasury of said county.

Mr. West, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Jones of Montgomery:

H. 284. To authorize the sheriff of all counties of a population of 82,000 and not more than 100,000 population according to the



last Federal census, to summons two guards which said guards shall be in attendance in the jail of such counties, and to require the board of revenue of such counties to pay to each of said guards the sum of \$100.00 per month out of the general fund of such counties, and to provide for the payment thereof, and to abolish the office of assistant night jailor in such counties.

By Mr. Ross:

H. 212. To amend the title and sections one (1), three (3), four (4), fifteen (15) and 29, and paragraphs B and D of section eight (8) of an act "To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire department of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of the officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to declare the said board of trustees the trustee of such fund; to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into said fund the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenues received from licenses issued by such cities; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such fund of certain expenses attending

the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the city attorney and city physician in connection with said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits out of said fund from levy; to provide the time of taking effect of this act," approved September 28, 1915.

By Mr. Stoddard:

H. 156. To repeal an act entitled "An act to provide for the more efficient working of the public roads of Crenshaw county, Alabama, and to provide that the court of county commissioners, in its discretion, levy a road tax, a vehicle tax, and a dog tax, the proceeds therefrom to be applied to the maintenance of the public roads of said county approved September 22, 1915, Local Acts 1915, pages 403-405.

By Mr. Jones of Escambia:

H. 207. To authorize officers of Escambia county to record and provide suitable books for recording abstracts of title to any parcel or tract of land in said county and to fix the charges for reimbursing the cost of the same.

By Mr. Allen:

H. 247. To authorize and require all funds now in the county treasury or county depository of Marengo county, belonging to the Marengo law and equity court fine and forfeiture fund, or which may now be due to, or which may hereafter accrue to the said fund, to be paid into the fine and forfeiture fund of Marengo county, and to authorize and require all lawful claims against said Marengo law and equity court fine and forfeiture fund to be registered against the fine and forfeiture fund of Marengo county, and to be paid therefrom in the order of their registration against the said fine and forfeiture fund.

By Mr. Lee of Perry:

H. 175. To close and vacate Convenient street in the town of Marion, Alabama, from the southern line of S. A. Nelms' lot to the northern line of DeKalb street.

By Mr. Stoddard:

H. 130. To make the clerk of the circuit court of Crenshaw county ex-officio clerk of the county court.

By Mr. Hollis:

H. 246. To ratify, confirm, validate and make legal, effective and binding a certain county warrant issued by Lamar county, Alabama, at the November, 1916, adjourned term of the county commissioners court of Lamar county, Alabama, said warrant

being dated December 6th, 1916, payable to U. T. Propst for three thousand, six hundred and twenty one and 70-100 (\$3,-621.70) dollars, and bearing interest at six (6) per cent per annum, and being payable on January the first, 1923, and being signed by R. L. Bradley, judge of probate of said county, it being county warrant number 11,536, and to require and direct the treasurer, or the acting treasurer of said Lamar county, Alabama, to recognize and treat said warrant, in all things, as the legal and valid warrant of said Lamar county, Alabama.

By Mr. Jones of Escambia:

H. 206. To authorize the court of county commissioners of Escambia county, Alabama, to support the paupers in the county without sending all of them to the poor house.

By Mr. Peters:

H. 162. To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads and bridges of Fayette county, Alabama; to define the duties and powers of the court of county commissioners, or other governing body of Fayette county with regard of the same; to fix penalties for the violations of the rules, regulations and laws of the court of county commissioners or other like governing body of said county; to provide for the better building, maintenance and protection of the public roads and bridges of Fayette county; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect; to provide for the more efficient working, construction and repair of the public roads and bridges in Fayette county, Alabama; to provide for the appointment of road supervisors in the several precincts in the county, and to fix their compensation and define their duties and powers; to provide for a commutation fee in lieu of working the roads; to provide for the levy of special tax of five per cent of one-fourth of one per centum now allowed by law on all taxable property, to be used exclusively for maintaining and repairing public roads and bridges in Fayette county; to create a separate and special road fund for said county, and to prevent obstruction and damage to the public roads and bridges of said county.

By Mr. West:

S. 189. To authorize the board of revenue of Jefferson county to employ attorneys and fix their compensation.

By Mr. Rogers of Sumter:

S. 194. To establish a board of revenue for Sumter county, and for the abolishment of the court of county commissioners of said county.

By Mr. Griffith:

S. 168. To amend sections 8 and 10 of an act entitled "An act to regulate the fine and forfeiture of Cullman county, and to pro-

vide for the registration and payment of claims against said fund," approved September 25th, 1915.

By Mr. Prestwood:

S. 199. To create the office of county treasurer in all counties in this State which now have, or which may hereafter have a population of twenty-one thousand four hundred and twenty-five people and not exceeding twenty-one thousand four hundred and fifty people, according to the last Federal census, or any such census which may hereafter be taken; to provide for the appointment of a county treasurer in each of such counties to hold office ~~until the first Monday after the second Tuesday~~ in January, 1921, and to provide for the election of a county treasurer in such counties by the qualified electors thereof at the general election in 1920, and every fourth year thereafter; to prescribe the qualifications and duties of such county treasurers, to fix their compensation and how the same shall be paid.

By Mr. Adams of Blount:

H. 225. To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of Blount county, Alabama; to define the duties and powers of the court of county commissioners with regard to same, and to fix penalties for the violation of the rules, regulations and laws of the court of county commissioners.

By Mr. Shaw:

H. 261. To fix the compensation of members of the courts of county commissioners and boards of revenue in all counties having a population of not less than twenty-four thousand seven hundred (24,700) and not more than twenty-five thousand (25,000) according to the Federal census of 1910 and provide for payment of same.

Mr. Bealle, acting chairman of the Standing Committee on Printing, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hawkins:

H. 163. To amend section 5 of an act to amend sections 6006, 1657, 1664 and 1669 of the Code so as to regulate the publishing of the reports of the supreme court, court of appeals, acts, journals and public printing, approved September 22, 1915.

Mr. Butler, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate

with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hare of Monroe:

H. 229. To create the Alabama Centennial Commission, to prescribe its powers and duties, and to make an appropriation for the appropriate celebration, under the direction of the commission, of the one hundredth anniversary of the admission of Alabama into the Federal union.

By Mr. Tunstall:

H. 201. To make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, and for the interest on the public debt, and for the public schools for that part of the fiscal year, beginning April 1, 1919 and ending September 30, 1919.

By Mr. McDowell:

S. 200. To provide for the prevention of a double tax on persons owning automobiles or motor vehicles, and transfer of license in event of sale.

By Mr. McDowell:

S. 191. To appropriate the sum of two thousand two hundred fifteen and 76/100 (\$2,215.76) dollars for the relief of the board of inspectors of convicts for coal furnished the legislative and other departments of government, up to January 23rd, 1919.

By Mr. Acker:

S. 198. To create a commission to be known as the Alabama Post-War Council of Defense, to prescribe its powers and duties, to designate members ex-officio and other members, to provide for co-operation between the State and the Federal government and between the State and other agencies in meeting the exigencies incident to post-war re-adjustment, and to make an appropriation for the carrying out of the provisions of this act.

By Mr. Bedsole:

S. 132. To create the Alabama Centennial Commission, to prescribe its powers and duties, and to make an appropriation for the appropriate celebration, under the direction of the commission, of the one hundredth anniversary of the admission of Alabama into the Federal union.

By Mr. Espy:

S. 175. To make an appropriation for tick eradication in Alabama.

By Mr. Tunstall:

H. 294. To provide for the payment of expenses incurred by the doorkeeper of the House and the doorkeeper of the Senate.

By Mr. Adams of Blount:

H. 124. To provide for the relief of William Wilson and to make an appropriation therefor.

Mr. Brown, chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:  
By Mr. Long of Butler:

H. 286. To amend section 3513 of the Code of Alabama.

By Mr. Morris of Dale:

S. 196. To abolish the corporation of the town of Daleville, Dale county, Alabama.

#### BILL REPORTED AND RE-REFERRED.

Mr. West, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered the same returned to the Senate with a favorable report, to-wit:

H. 222. To repeal an act of the Legislature of Alabama entitled "An act to provide a more efficient system for opening, building, changing, constructing and working the public roads of St. Clair county. A board of road commissioners provide for, their appointment, how made. Vacancies, how filled. Organization of such board, duties of the chairman, duties of the secretary-treasurer. Itemized account of receipts and disbursements to be published. Oath of office and bond to be given. Salaries provided for. Impeachment of the members of the board, how done. Authority, duties and powers of the board of road commissioners. Meetings, when and where held. Adoption of new laws, rules and regulations concerning the public roads, etc., and publication of same provided for. No person other than those sentenced to hard labor for the county shall be compelled to work on the public roads, etc. Per capita tax for road purposes provided for. Method of collecting the same to be provided by the board. Alphabetical list of those liable to such tax to be kept by beats. No exemption of property from payment of per capita tax. May be discharged by work under direction of the board. Misdemeanor to fail to pay such tax or to work eight days. Trials in name of State. Any person failing or refusing to discharge duties imposed guilty of misdemeanor. Penalties provided. Misdemeanor to violate the rules and regulations, etc., adopted by the board. Penalty for same. Court of county commissioners to levy special taxes for road purposes, how assessed and collected. Surplus in county treasury may be transferred to the board. Disposition of funds in hands of treasurer of board. Proceeds arising from bond issue, to be handled by such

board. Condemnation proceedings provided. All rights, powers, duties, etc., on commissioners court with reference to public roads, etc., now conferred by general law of State available and applicable to such board of road commissioners. Repeal clause." Approved March 7th, 1911. (Local Acts, 1911, pages 78-89, inc.)

Mr. Brown moved that said bill be re-referred to the Standing Committee on Local Legislation, which motion prevailed, and the President of the Senate re-referred said bill to the Standing Committee on Local Legislation.

#### BILL RETURNED AND RE-COMMITTED.

Mr. West, chairman of the Standing Committee on Local Legislation, returned to the Senate:

S. 197. To regulate and prescribe the sale of illuminating, fuel and other oils, and gasoline in this State, and to prescribe punishment for the violation of this act.

And moved that said bill be re-referred to the Standing Committee on Revision of Laws, which motion prevailed, and the President of the Senate re-referred said bill to the Standing Committee on Revision of Laws.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 273. To fix the salary of tax assessors in the counties having a population of over 82,000 and not exceeding 100,000 according to the last Federal census or any subsequent census, and allowances for clerical help in said offices, and to provide for payment thereof.

And sends same herewith to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 273. To the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Lynne:

H. J. R. 58. Be it resolved by the House of Representatives, the Senate concurring, That a joint committee be raised, consist-

ing of two from the House, to be appointed by the Speaker of the House, to which number the Speaker shall be added as an ex-officio member, and one from the Senate, to be appointed by the Lieutenant Governor, and of which the President pro tem. of the Senate shall be an ex-officio member, which committee, when appointed, shall be, and it is hereby empowered and directed to sit with the State budget commission during the recess period of the Legislature, to investigate the financial condition and needs of the State and its several departments, and to act with and assists said State budget commission in any manner that may be found necessary in order to carry out the purpose of said State budget commission, so as to be able to report to the adjourned session of the Legislature a well-defined financial plan for the State, the objects and amounts of expenditures, the source and yield of revenues, and the way the expenditures and the revenues are made to balance.

That the members of said committee shall receive the same compensation as members of the Legislature during the time they are engaged in their duties as aforesaid.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House joint resolution No. 58, set out in the foregoing message from the House, was read once, and referred to the Standing Committee on Rules.

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills, beg leave to report that said committee, in session, have compared the following enrolled bills, and resolutions with the engrossed and original bills and resolutions, respectively, and find same correctly enrolled, to-wit:

S. 82. To provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100) worth of taxable property in such county; to authorize any school district, in any county that may be levying special county taxes for school purposes of not less than thirty (30) cents on each one hundred dollars (\$100) worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dol-



lars (\$100) worth of taxable property in such school district; and to authorize boards of education to issue interest-bearing warrants to erect, repair and equip school buildings and to otherwise improve school facilities.

S. 17. To regulate the assessment of cost of public improvements against property by municipalities, and to provide a method by which assessments originally levied against a tract of land may be split and divided among the interested property owners, and providing for the correction of errors in the descriptions of ownerships, and for reducing the assessments before, pending appeal, or after an appeal has been decided, and authorizing the governing bodies of cities to settle and compromise cases of assessments or judgments thereon.

S. J. R. 40. Relative to the budget commission which sits during the split session of the Legislature, giving special consideration to the needy Confederate veterans of our State and recommend that a fixed monthly pension to be paid accordingly, be given each one that will accept it except those cared for by the Confederate Home.

S. 34. To amend section 3101 of the Code.

S. 90. To provide for extension work in agriculture and home economics by giving instruction to men, women, and young people in the several counties in Alabama, by continuing and improving farm demonstration work, by organizing marketing clubs, by organizing and supervising boys' corn and pig clubs, girls' canning clubs, women's clubs in home economics and by conducting other extension work through other means, all with a view to making farm life more profitable and attractive; to secure for Alabama the full amount of the funds conditionally appropriated by Congress under the Smith-Lever extension act for extension work in agriculture and home economics; and to make appropriations for these purposes.

S. J. R. 24. Relative to a joint committee from the Senate and House of Representatives of the Alabama Legislature consisting of three members from the Senate to be appointed by the President of the Senate and five from the House to be appointed by the Speaker of the House, which shall sit during the recess of the Legislature to consider the several subjects referred to in this act.

Chas. McDowell, Jr.,  
Chairman.

#### SIGNING OF BILLS AND RESOLUTIONS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by

a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills and resolutions:

S. 82. To provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty cents (30) on each one hundred (100) dollars worth of taxable property in such county; to authorize any school district, in any county that may be levying a special county taxes for school purposes of not less than thirty (30) cents on each one hundred (100) dollars worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100) worth of taxable property in such school district; and to authorize boards of education to issue interest-bearing warrants, to erect, repair and equip school buildings and to otherwise improve school facilities.

S. 17. To regulate the assessment of cost of public improvements against property by municipalities, and to provide a method by which assessments originally levied against a tract of land may be split and divided among the interested property owners, and providing for the correction of errors in the descriptions of ownerships, and for reducing the assessments before, pending appeal, or after an appeal has been decided, and authorizing the governing bodies of cities to settle and compromise cases of assessments or judgments thereon.

S. J. R. 40. Relative to the budget commission which sits during the split session of the Legislature, giving special consideration to the needy Confederate veterans of our State and recommend that a fixed monthly pension to be paid accordingly, be given each one that will accept it except those cared for by the Confederate Home.

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S. 90. To provide for extension work in agriculture and home economics by giving instruction to men, women and young people in the several counties in Alabama, by continuing and improving farm demonstration work, by organizing marketing clubs, by organizing and supervising boys' corn and pig clubs, girls' canning clubs, women's clubs in home economics and by conducting other extension work through other means, all with a view to making farm life more profitable and attractive; to secure for Alabama the full amount of the funds conditionally appropriated by Congress under the Smith-Lever extension act for extension work in agriculture and home economics; and to make appropriations for these purposes.

S. J. R. 24. Relative to a joint committee from the Senate and House of Representatives of the Alabama Legislature consisting of three members from the Senate to be appointed by the President of the Senate and five from the House to be appointed by the Speaker of the House, which shall sit during the recess of the Legislature to consider the several subjects referred to in this act.

#### RESOLUTION.

Mr. Carmichael offered the following Senate joint resolution:

S. J. R. 42. Resolved by the Senate, the House concurring, that when both houses adjourn today they adjourn to meet on Friday, February 15; that when adjournment is had on Friday, February 15, it be to Tuesday morning, February 19 at 10 o'clock; that the Legislature remain in session Tuesday and Wednesday, February 19 and 20, and that when the Legislature adjourns on Wednesday, February 20, it be to reconvene on Tuesday, July 8th, 1919, at 2 o'clock P. M.

Which was read and referred to the Standing Committee on Rules.

#### UNFINISHED BUSINESS.

The Senate proceeded to consider the unfinished business of yesterday's session, which was:

S. 53. Prescribing the liability of an employer to make compensation by way of damages for injuries due to accident received by an employee arising out of and in the course of employment and providing for the enforcement of same, modifying common law and statutory remedies, in such cases; establishing an alternative elective schedule of compensation, regulating procedure for the determination of liability and compensation thereunder in certain cases, and prescribing penalties for the violation thereof; and providing a lien for attorney's fees and for medical and surgical services.

Mr. Acker offered the following amendment to said bill, to-wit:

Amend the bill by inserting therein a section to be number 141½ to read as follows:

Sec. 141½. In no case hereunder shall the compensation paid hereunder be more than twelve (\$12.00) dollars per week nor less than five (\$5.00) dollars per week, and in no case shall the total amount of compensation in any case exceed four thousand (\$4,000.00) dollars.

Mr. Bedsole offered the following amendment to the amendment offered by Mr. Acker, to-wit:

Amend amendment No. 9 by striking out the words: "Four thousand" where they appear in said amendment and insert in lieu thereof the words: "Forty-five hundred."

Which was adopted.

Mr. Leith moved that the amendment offered by Mr. Acker as amended, be laid on the table, which motion was lost.

Yeas, 8; Nays, 22.

*Yeas:*

Messrs:

Carmichael  
Cowan

Craft  
Huddleston

Leith  
Norwood

Smith (Coosa)  
West

—8

*Nays:*

Messrs:

Acker  
Baker  
Beale  
Bedsole  
Brown  
Butler

Carlton  
Ellis  
Espy  
Evins  
Gunter  
Kelly

Miller  
Moore  
Morris  
McDowell  
Nance

Phillips  
Prestwood  
Rogers (Sumter)  
Sims  
Tally

—22

And the amendment offered by Mr. Acker, as amended, was then adopted.

Yeas, 20; Nays, 11.

*Yeas:*

Messrs:

Acker  
Beale  
Bedsole  
Briscoe  
Brown

Butler  
Carlton  
Ellis  
Espy  
Evins

Gunter  
Kelly  
Miller  
Moore  
Morris

Norwood  
Phillips  
Prestwood  
Rogers (Sumter)  
Sims

—20

*Nays:*

Messrs:

Baker  
Carmichael  
Cowan

Craft  
Huddleston  
Leith

McDowell  
Nance  
Smith (Coosa)

Tally  
West

—11

Mr. Acker also offered the following amendment to said bill, to-wit:

Amend Sec. 28 by inserting after the words "any savings bank or trust company of this State" the words: "or any national bank doing business in this State."

Which was adopted.

Yeas, 31; Nays, 0.

*Yeas:*

Messrs:

Acker  
Baker  
Beale

Bedsole  
Briscoe  
Brown

Butler  
Carlton  
Carmichael

Cowan  
Craft  
Ellis

Espy	Leith	Nance	Sims
Evins	Miller	Norwood	Smith (Coosa)
Gunter	Moore	Phillips	Tally
Huddleston	Morris	Prestwood	West
Kelly	McDowell	Rogers (Sumter)	

—31

Mr. Sims offered the following amendment to said bill, to-wit:

Amend section 22 by adding thereto paragraph

“(3) If at any time there are adverse claimants to compensation hereunder the employer in submitting said claim to said judge of the circuit court may suggest in writing said claimants and they shall be required to interplead and said judge shall determine to which claimant or claimants such compensation is justly due and said employer upon complying with the order of such judge shall be released from the claims of any other claimants thereto.”

Which was adopted.

Yeas, 29; Nays, 1.

*Yeas:*

Messrs:

Acker	Carmichael	Kelly	Phillips
Baker	Cowan	Miller	Prestwood
Beale	Craft	Moore	Rogers (Sumter)
Bedsole	Ellis	Morris	Sims
Briscoe	Espy	McDowell	Smith (Coosa)
Brown	Evins	Nance	Tally
Butler	Gunter	Norwood	West
Carlton			

—29

*Nays:*

Mr. Leith—1.

Mr. Prestwood offered the following amendment to said bill, to-wit:

Amend section 8, page 11, of said bill by adding thereto the following words:

“in any one business or to any county, city, town, village or school district.”

Mr. Leith moved to lay the amendment of Mr. Prestwood on the table, which motion was lost.

Yeas, 10; Nays, 21.

*Yeas:*

Messrs:

Beale	Craft	Huddleston	Nance
Briscoe	Espy	Leith	West
Brown	Gunter		

—10

*Nays:*

Messrs:

Acker	Bedsole	Carlton	Cowan
Baker	Butler	Carmichael	Ellis

Evins	Morris	Phillips	Sims
Kelly	McDowell	Prestwood	Smith (Coosa)
Miller	Norwood	Rogers (Sumter)	Tally
Moore			

21

And the amendment offered by Mr. Prestwood was then adopted.

Yeas, 23; Nays, 6.

*Yeas:*

Messrs:

Acker	Cowan	Moore	Prestwood
Baker	Ellis	Morris	Rogers (Sumter)
Beale	Espy	McDowell	<del>Sims</del>
Bedsole	Evins	Nance	Smith (Coosa)
Carlton	Kelly	Norwood	Tally
Carmichael	Miller	Phillips	

—23

*Nays:*

Messrs:

Briscoe	Craft	Sims	West
Brown	Huddleston		

—6

Mr. Prestwood also offered the following amendment to said bill, to-wit:

Amend section 34 by striking from paragraph "D" thereof the following words:

"and shall include county, village, town, city, school district and other employees except the State"

And by adding thereto the following words:

"And shall not include one who employs a less number than nine in any one business."

Further amend section 34 by striking therefrom "(G) (1)."

Which was adopted.

Yeas, 23; Nays, 4.

*Yeas:*

Messrs:

Acker	Carlton	Miller	Rogers (Sumter)
Baker	Carmichael	Moore	Sims
Beale	Cowan	Morris	Smith (Coosa)
Briscoe	Ellis	Norwood	Tally
Brown	Evins	Phillips	West
Butler	Kelly	Prestwood	

—23

*Nays:*

Messrs:

Bedsole	Craft	Espy	Leith
---------	-------	------	-------

—4

Mr. Brown then moved that the vote by which the Senate on yesterday adopted amendment No. 4 to said bill, be reconsidered, pending the consideration of said motion.

## RECESS.

On motion of Mr. Acker, the Senate took a recess until 2:30 o'clock this afternoon, and repaired to the Hall of the House of Representatives to hear the address of Hon. Borden Burr of Birmingham, pursuant to Senate joint resolution heretofore adopted.

## AFTERNOON SESSION—SEVENTEENTH DAY.

Wednesday, February 12, 1919.

The Senate re-assembled at 2:30 o'clock P. M., President Pro Tem Bedsole, presiding.

## ROLL CALL.

On a call of the roll, 31 Senators answered to their names, a quorum of the Senate.

## PRIVILEGES OF THE FLOOR.

On motion of Mr. McDowell, the privileges of the floor were extended to Mr. McDowell, of Eufaula, for today.

On motion of Mr. Ellis the privileges of the floor were extended to Messrs. H. Armstrong, E. C. Melvin and Hugh Mallory for today.

## MESSAGE FROM THE GOVERNOR

*To the Senate of Alabama:*

I am herewith returning Senate bill No. 70, being a bill entitled an act to provide a better system of public roads for the county of Cullman, State of Alabama, without my approval.

It is provided in section 13 of the bill as follows:

"And the general law as to opening, granting and establishing new, either public or private roads is hereby specially repealed."

In my judgment this part of the bill is violative of section 105 of the Constitution of Alabama, which provides in substance that no local law, except a law fixing the time of holding courts, shall be enacted in any case which is provided for by general law or when the relief sought can be given by any court of this State; nor shall the Legislature indirectly enact any such local law by the partial repeal of a general law.

I, therefore, propose that the bill be amended so as to make section 13 read as follows:

Section 13. That the county commissioners or commissioners' court shall have the active control and management of the public roads and bridges in said county; the manner of working, maintaining, changing or locating the same, and granting new roads, and shall by deed or easement obtain right of ways for public road purposes, and shall have the right as

provided under the general law as to condemnation proceedings for such purposes, and have the right to grant, open and establish private or settlement roads."

Respectfully submitted,  
Thos. E. Kilby,  
Governor.

February 11, 1919.

#### GOVERNOR'S MESSAGE.

On motion of Mr. Acker, the Senate concurred in and adopted the amendment proposed by his excellency, the governor, to:

S. 70. To provide a better system of public roads for the county of Cullman, State of Alabama.

Said amendment being set out in the foregoing message from the governor.

Yeas, 29; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Leith	Phillips
Baker	Cowan	Miller	Prestwood
Beale	Ellis	Moore	Rogers (Sumter)
Bedsale	Espy	Morris	Sims
Briscoe	Evins	McDowell	Smith (Coosa)
Brown	Gunter	Nance	Tally
Butler	Kelly	Norwood	West
Carlton			

—29

Nays:—None.

Which was a majority of the whole number elected to the Senate.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the amendment proposed by the governor to the bill:

S. 70. To provide a better system of public roads for the county of Cullman, State of Alabama.

By a vote of a majority of the whole number elected to the House, said vote being yeas, 78; nays, 0, and returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:



By Mr. Orr:

H. J. R. 60. Resolved by the House, the Senate concurring, that the governor is hereby requested to return forthwith to the House, H. 58.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Bedsole, the rules were suspended and House joint resolution No. 60, set out in the foregoing message from the House, was adopted.

#### UNFINISHED BUSINESS.

The Senate proceeded to consider the unfinished business of the morning session, which was the motion of Mr. Brown to reconsider the vote by which the Senate on yesterday adopted amendment No. 4, to the bill:

S. 53. Prescribing the liability of an employer to make compensation by way of damages for injuries due to accident received by an employee arising out of and in the course of employment and providing for the enforcement of same, modifying common law and statutory remedies, in such cases, establishing an alternative elective schedule of compensation, regulating procedure for the determination of liability and compensation thereunder in certain cases, and prescribing penalties for the violation thereof; and providing a lien for attorney's fees and for medical and surgical services.

Which motion was lost.

Mr. Leith then moved that said bill and amendments be postponed until the twenty-fifth legislative day and that said bill be made a special, paramount and continuing order for 12 o'clock on that day, which motion prevailed, and said bill and amendments were postponed until the twenty-fifth legislative day and made a special, paramount and continuing order for that day at 12 o'clock.

#### RESOLUTION.

Mr. McDowell offered the following Senate resolution:

S. R. 43. Resolved by the Senate, that upon the convening of the Senate for the summer session, each Senator is entitled to, and has the right, to claim the same seat, now occupied by him, if he desires so to do.

That this resolution is passed for the purpose of preventing Senators from having to trouble themselves to obtain their same seats, if they desire to obtain them.

Which was, under a suspension of the rules, adopted.

#### RESOLUTION AND ORDER TO PRINT.

Mr. Rogers of Sumter offered the following resolution:

S. R. 44. Resolved, that two thousand copies of the workmen's compensation act with the amendments adopted by the Senate, be printed for distribution.

Which was, under a suspension of the rules, adopted, and the Secretary was directed to have 2,000 copies of the bill:

S. 53. Prescribing the liability of an employer to make compensation by way of damages for injuries due to accident received by an employee arising out of and in the course of employment and providing for the enforcement of same, modifying common law and statutory remedies, in such cases; establishing an alternative elective schedule of compensation, regulating procedure for the determination of liability and compensation thereunder in certain cases, and prescribing penalties for the violation thereof; and providing a lien for attorney's fees and for medical and surgical services.

And amendments thereto adopted by the Senate, printed for distribution to the public.

#### REPORTS OF COMMITTEES.

Mr. Prestwood, chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit: By Mr. Kelly:

S. 190. To submit to the qualified electors of the State, at the general election to be held in November, 1920, for their consideration an amendment to the Constitution for the purpose of authorizing the several counties of the State and the several road districts of any county which may now exist, or which may hereafter be created by the courts of county commissioners or boards of revenue of said counties, to levy and collect a special road and bridge tax not exceeding twenty-five cents on each one hundred dollars worth of taxable property in such counties and in the several districts of any county, under such regulations as the Legislature may have prescribed or may hereafter prescribe. (This bill was read at length as required by the Constitution.)

Mr. Butler, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Brown (with amendment):

S. 14. To repeal sections 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 101, 103, 104, 105, and 106 of an act of the Legislature of Alabama, entitled an act to provide for the assessment, valuation and equalization of values of real and personal property for taxes, and for this purpose to create State board of equalization, prescribe the powers and duties of said board, to create a board of equalization of each county, and to prescribe the powers and duties of said boards, to provide for the collection of taxes; the sale of property for taxes; the redemption from such sales; to further provide for the general revenues, abolish the State tax commission, and to transfer all the power and authority and jurisdiction and all proceedings pending for assessment and collection of taxes, and to repeal all laws in conflict with this act. Approved on the 14th day of September, 1915.

By Mr. Van de Graff:

H. 178. To provide for the incorporation of societies of persons seeking to promote the development or betterment of communities, municipalities or counties in the State, or other public purposes, without pecuniary profit to the individual members; and to exempt the property of such societies from taxation.

Mr. Miller, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Green (Dallas):

H. 224. To prohibit the public or private display or use within the State of Alabama of certain flags, emblems and insignia; and to prescribe penalties for the violation thereof.

Mr. Kelly, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Miller:

S. 202. To repeal the local road law of Wilcox county, Alabama, approved September 22nd, 1915.

By Mr. Smith of Coosa:

S. 201. To repeal an act entitled "An act to provide for the working, grading, improvement and building of the public roads and bridges of Coosa county, Alabama, and to provide revenue for doing same."

#### INTRODUCTION OF BILL.

Upon a call of districts the following bill was introduced, read one time and referred to appropriate standing committee as follows:

By Mr. Baker:

S. 207. To prohibit the assessing or collecting of any privilege or license tax or fee, by municipalities, from persons for conducting or operating any business, trade or profession outside the corporate limits of such municipality.

Municipalities and Organizations.

#### RESOLUTIONS.

Mr. Acker offered the following Senate joint resolution:

S. J. R. 45. Resolved by the Senate, the House concurring, that it shall be the duty of the Rules Committee of the Senate and House to hold a joint session and to prepare calendars of the Senate and House bills for consideration on Friday next and said calendars so prepared shall for said day supersede the regular calendars.

Which was, under a suspension of the rules, adopted.

Mr. Acker also offered the following Senate joint resolution:

S. J. R. 46. Resolved by the Senate, the House concurring, that when both houses adjourn today they adjourn to meet Friday morning at 10 o'clock.

Which was, under a suspension of the rules, adopted.

#### BILLS ON THIRD READING.

The bill:

H. 54. To provide for absent qualified electors of the State of Alabama to vote in any primary election in this State while absent from the State or county in which he is a qualified elector; to provide the method of carrying out such provision; and to require election officers and others charged with duties hereunder to perform duties in connection therewith.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Kelly	Prestwood
Baker	Cowan	Leith	Rogers (Sumter)
Beale	Craft	Moore	Sims
Bedsole	Ellis	Morris	Smith (Coosa)
Briscoe	Espy	McDowell	Tally
Brown	Gunter	Norwood	West
Carlton	Harper	Phillips	

—27

*Nays:*—None.

The bill:

H. 278. To amend section 5 of an act entitled an act to create for Walker county, Alabama, the office of full time health officer; to provide for the election of such health officer, and prescribe the term of office, duties, salary and expenses of such officer, approved September 17, 1915.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Kelly	Norwood
Baker	Cowan	Leith	Phillips
Beale	Craft	Miller	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper		

—30

*Nays:*—None.

The bill:

S. 108. To authorize the trial court to impose an indeterminate sentence in all felonies for which the court fixes the punishment; to provide for the parole of convicts under indeterminate sentence and to authorize the board of pardons to establish rules in the matter of paroles."

Was read a third time at length, passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Harper	Phillips
Baker	Cowan	Kelly	Prestwood
Beale	Craft	Leith	Rogers (Sumter)
Bedsole	Ellis	Miller	Sims
Briscoe	Espy	Moore	Smith (Coosa)
Butler	Evins	Morris	Tally
Carlton	Gunter	McDowell	West

—28

*Nays:*—None.

The bill:

S. 187. To amend sections two, three and eight of an act approved September 22, 1915, "To amend article 31, chapter 41 of the Code of Alabama, 1907."

Was read a third time at length, passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Leith	Prestwood
Baker	Craft	Miller	Rogers (Sumter)
Beale	Ellis	Moore	Stims
Bedsole	Espy	Morris	Smith (Coosa)
Butler	Evins	McDowell	Tally
Carlton	Gunter	Phillips	West
Carmichael	Harper		

—26

*Nays:*—None.

The bill:

S. 195. To extend the corporate limits of the city of Tuscaloosa, Alabama.

Was taken up.

The following substitute offered by Mr. Beale, to-wit:

#### A BILL

To be entitled an act to extend the corporate limits of the city of Tuscaloosa, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the corporate limits of the city of Tuscaloosa, Alabama, be extended so as to include the following described lands, to-wit:

Beginning at a point on the north margin of Tenth street where it is intersected by the prolongation of the eastern margin of East Sixth street, as said East Sixth street is located according to the survey of the Tuscaloosa Coal, Iron & Land Company, said Sixth street being now also known as Tenth avenue; thence northwardly and along the said prolongation of the eastern margin of the said East Sixth street or Tenth avenue to its intersection with the southern margin of the right of way of the main line of the Louisville & Nashville railroad; thence eastwardly, following the said southern margin of the said right of way of said main line of said Louisville & Nashville railroad to its intersection with the eastern margin of the public road from Holt to Alberta City, or Holt Junction; thence northwardly along the said western margin of the said public road to its intersection with the center line running east and west through the center of sections seven and eight, township twenty-one, south, range nine,

west; thence west along said center line through said sections seven and eight to its intersection with the low water line on the western bank of said Warrior river in a southwardly direction to its intersection with the north and south line through the center of section fourteen, township twenty-one, south, range ten, west, which is the present eastern line of the city limits; thence south along the said center line of said section fourteen and section twenty-three to its intersection with the north line of Tenth street; thence east along the north line of Tenth street to the point of beginning.

Was adopted.

Yeas, 29; Nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Kelly	Phillips
Baker	Craft	Leith	Prestwood
Beale	Ellis	Miller	Rogers (Sumter)
Bedsole	Espy	Moore	Sims
Briscoe	Evins	Morris	Smith (Coosa)
Butler	Gunter	McDowell	Tally
Carlton	Harper	Nance	West
Carmichael			

—29

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 31; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Huddleston	Norwood
Baker	Cowan	Kelly	Phillips
Beale	Craft	Leith	Rogers (Sumter)
Bedsole	Ellis	Miller	Sims
Briscoe	Espy	Moore	Smith (Coosa)
Brown	Evins	Morris	Tally
Butler	Gunter	McDowell	West
Carlton	Harper	Nance	

—31

*Nays:*—None.

#### INDEFINITE POSTPONEMENT OF BILL.

On motion of Mr. Moore, the further consideration of

S. 64. For the further protection of fish. To make it unlawful for any person to take or catch fish by the means of any net, seine, trap, or any other device as a substitute therefor, in any of the creeks, rivers or other streams, or in any of the estuaries,

lagoons or lakes emptying into any of the salt waters, or bays of this State, and to prescribe penalties for the violation of the provisions of this act.

Was indefinitely postponed by the Senate.

#### BILLS ON THIRD READING RESUMED.

The bill:

H. 203. To fix the time for holding the county court in Butler county, Alabama.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Kelly	Phillips
Baker	Cowan	Leith	Prestwood
Beale	Craft	Miller	Rogers (Sumter)
Bedsloe	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper		

—30

Nays:—None.

The bill:

H. 215. For the relief of Joseph Espalla, Jr., A. S. Lyons and H. W. Fowler.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Huddleston	Phillips
Baker	Craft	Kelly	Prestwood
Beale	Ellis	Leith	Rogers (Sumter)
Bedsloe	Espy	Miller	Sims
Butler	Evins	Moore	Smith (Coosa)
Carlton	Gunter	Morris	Tally
Carmichael	Harper	McDowell	West

—28

Nays:—None.

The bill:

H. 123. For the further protection of fish. To make it unlawful for any person to take or catch fish by the means of any net, seine, trap or other device as a substitute therefor, in any of the creeks, rivers or other streams, or in any of the estuaries, lagoons or lakes emptying into any of the salt waters, or bays of this State, within ten miles from the point where such bodies of



water empty into, or connect with, the salt waters or bays of this State, except as herein provided, and to make it unlawful for any person to catch any bass, green trout, bream, or goggle-eye by any other means than those provided for herein, and to prescribe penalties for the violation of the provisions of this act.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Huddleston	Phillips
Baker	Craft	Kelly	Prestwood
Beale	Ellis	Leith	Rogers (Sumter)
Bedsole	Espy	Miller	Sims
Brown	Ewins	Moore	Smith (Coosa)
Butler	Gunter	Morris	Tally
Carlton	Harper	McDowell	West
Carmichael			

—29

*Nays:*—None.

The bill:

H. 100. To repeal an act "To authorize persons who have practiced dentistry or dental surgery in the State of Alabama for twenty years or more, to practice the same," approved September 25, 1915.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Miller	Prestwood
Baker	Ellis	Moore	Rogers (Sumter)
Beale	Espy	Morris	Sims
Bedsole	Ewins	McDowell	Smith (Coosa)
Briscoe	Gunter	Nance	Tally
Brown	Harper	Phillips	West
Cowan	Leith		

—26

*Nays:*—None.

The bill:

H. 114. To repeal an act entitled, "An act to regulate the charging of fees and furnishing of information within the several departments of the State and to provide for the covering into the State treasury of such fees," approved September 29, 1915.

Was taken up.

Mr. Carmichael offered the following substitute for said bill, to-wit:

## SUBSTITUTE FOR HOUSE BILL NO. 114

A bill to be entitled an act to amend an act entitled, "An act to regulate the charging of fees and furnishing of information within the several departments of the State, and to provide for the covering into the State treasury of such fees," approved September 29, 1915.

Be it enacted by the Legislature of Alabama:

Section 1. That from and after the passage of this act it shall be unlawful for any State officer except as otherwise expressly provided by law to appropriate to his own use any fees, perquisites, or emoluments, incident to his office, for any information, documents, papers, writings or certificates; but fees shall be charged as hereinafter provided.

Section 5. Provided that the provisions of this act shall not apply to the offices of the Secretary of the Senate or Clerk of the House of Representatives.

Which was adopted.

Yeas, 25; Nays, 1.

*Yeas:*

Messrs:

Baker	Craft	Leith	Prestwood
Beale	Ellis	Miller	Rogers (Sumter)
Bedsole	Espy	Moore	Sims
Butler	Gunter	McDowell	Smith (Coosa)
Carlton	Harper	Nance	Tally
Carmichael	Kelly	Phillips	West
Cowan			

—25

*Nays:*

Mr. Morris—1.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 28; Nays, 1.

*Yeas:*

Messrs:

Baker	Cowan	Kelly	Phillips
Beale	Craft	Leith	Prestwood
Bedsole	Ellis	Miller	Rogers (Sumter)
Brown	Espy	Moore	Sims
Butler	Evins	McDowell	Smith (Coosa)
Carlton	Gunter	Nance	Tally
Carmichael	Harper	Norwood	West

—28

*Nays:*

Mr. Morris—1.

## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bills, your signature thereto is requested:

H. 42. To amend an act approved September 15th, 1915, entitled "An act to require all county solicitors, all circuit solicitors, any solicitors of any court of record to give opinions to all county officials in all matters connected with their offices except in suits against official bonds.

Also:

H. 134. For the relief of T. W. Barker.

Fred H. Gormley,  
Clerk.

## SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

H. 42. To amend an act approved September 15th, 1915, entitled: "An act to require all county solicitors, all circuit solicitors, any solicitors of any court of record to give opinions to all county officials in all matters connected with their offices except in suits against official bonds.

Also:

H. 134. For the relief of T. W. Barker.

## RESOLUTION.

Mr. Carmichael offered the following Senate joint resolution:

S. J. R. 47. Resolved by the Senate, the House concurring, that the two houses remain in session Thursday and Friday of this week; that when adjournment is had on Friday it be till Monday, February 17th and that when the Legislature adjourns on Monday it be to re-convene on Tuesday, July 8th, 1919, at 2 o'clock P. M.

Which was, under a suspension of the rules, adopted.

## BILLS ON THIRD READING RESUMED.

The bill:

H. 105. To provide for the control of venereal diseases by an ante-nuptial physical examination of men, which shall be done within fifteen days before granting marriage license, fixing penalties for noncompliance.

Was taken up.

Mr. Rogers of Sumter offered the following amendment to said bill, to-wit:

Amend by striking out the words in Sec. 2, "Should be indigent."

Which was adopted.

Yeas, 22; Nays, 1.

*Yeas:*

Messrs:

Baker	Craft	Kelly	Nance
Bedsole	Ellis	Leith	Phillips
Briscoe	Espy	Moore	Rogers (Sumter)
Brown	Evins	Morris	Sims
Carlton	Gunter	McDowell	West
Cowan	Harper		

—22

*Nays:*

Mr. Tally—1.

Mr. Rogers of Sumter also offered the following amendment to said bill, to-wit:

Amend by adding to Sec. 2 the following words:

The charge for such an examination shall in no case exceed five dollars.

Which was adopted.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs:

Baker	Cowan	Harper	Nance
Bedsole	Craft	Kelly	Rogers (Sumter)
Briscoe	Ellis	Leith	Sims
Brown	Espy	Moore	Tally
Butler	Evins	Morris	West
Carlton	Gunter	McDowell	

—23

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; Nays, 6.

*Yeas:*

Messrs:

Beale	Carmichael	Leith	Prestwood
Bedsole	Cowan	Miller	Rogers (Sumter)
Briscoe	Craft	Moore	Sims
Brown	Gunter	Morris	Smith (Coosa)
Butler	Harper	Nance	West
Carlton	Kelly	Phillips	

—23

*Nays:*

Messrs:

Acker	Ellis	McDowell	Tally
Baker	Evins		

—6

The bill:

S. 165. To authorize the State board of examiners to issue emergency certificates good until the July, 1919, examination.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Acker	Carlton	Harper	Phillips
Baker	Carmichael	Kelly	Prestwood
Beale	Cowan	Leith	Rogers (Sumter)
Bedsole	Craft	Miller	Sims
Briscoe	Ellis	Moore	Smith (Coosa)
Brown	Evins	Morris	Tally
Butler	Gunter	McDowell	West

—28

Nays:—None.

The bill:

S. 176. To prohibit the shipment of oysters in the shell out of the State of Alabama by water, and provide for the culling of the oysters when taken from the waters of the State, and prescribing who may take oysters from the waters, or shrimp from the waters of the State, and upon what terms, and prohibiting the catching or transportation of shrimp from the waters of this State, except by bona fide residents of the State for not less than one year, and requiring dealers in oysters to pay a license.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Harper	Phillips
Baker	Cowan	Leith	Rogers (Sumter)
Bedsole	Craft	Miller	Sims
Briscoe	Ellis	Moore	Smith (Coosa)
Brown	Evins	Morris	Tally
Butler	Gunter	McDowell	West
Carlton			

—25

Nays:—None.

The bill:

S. 184. To amend section 577 of the Code, to read as follows:

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Harper	Phillips
Baker	Cowan	Leith	Rogers (Sumter)
Bedsole	Craft	Miller	Sims
Briscoe	Ellis	Moore	Smith (Coosa)
Brown	Evins	Morris	Tally
Butler	Gunter	McDowell	West
Carlton			

—25

*Nays:*—None.

The bill:

H. 170. To provide for temporary appointment of United States senator.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Leith	Phillips
Baker	Cowan	Miller	Prestwood
Beale	Craft	Moore	Sims
Bedsole	Ellis	Morris	Smith (Coosa)
Brown	Gunter	McDowell	Tally
Butler	Harper	Norwood	West
Carlton	Kelly		

—26

*Nays:*—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in S. J. R. 47, relative to the two houses remaining in session Thursday and Friday of this week and the recess of both houses until Tuesday, July 8th, 1919, at 2 o'clock P. M., after Monday, February 17th.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 21. To amend the caption, and sections one, two, three, four, five, six, seven, eight, nine and ten of "An act to protect women and children from desertion and non-support by husbands and parents; making it a misdemeanor for a husband to desert or neglect to provide for the support of his wife, or for a parent to desert or neglect to provide for the support of his or her child, or children, under the age of sixteen years; prescribing the penalty therefor, and making provisions for the apprehension and punishment of persons convicted of non-support or desertion; and providing for the taking of recognizances; and for the for-

feitures and enforcement of said recognizances; also providing for the appointment of probation officers and prescribing their duties and powers; and making chiefs of police and sheriffs and other peace officers, probation officers, in certain contingencies, and designating the courts which shall have jurisdiction of such matters." Approved September 15th, 1915.

And sends same herewith to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 21. To the Committee on Judiciary.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 152. To provide for the clerk of the circuit court of Barbour county to be ex-officio clerk of the county court of Barbour county, to provide the compensation for his services, and to provide for the services of the sheriff of Barbour county in the county court, and to fix the compensation for his services in said court.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### BILL TAKEN FROM CALENDAR AND RECOMMITTED.

On motion of Mr. West, the bill:

H. 212. To amend the title and sections one (1), three (3), four (4), fifteen (15), and 29, and paragraphs B and D of section (8) of an act "To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire department of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of the officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to de-

clare the said board of trustees the trustee of such fund; to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into said fund the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies doing business within such cities; and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenues received from licenses issued by such cities; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such fund of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the city attorney and city physician in connection with the said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits out of said fund from levy; to provide the time of taking effect of this act," approved September 28, 1915."

On today's calendar, was taken from the calendar and re-referred by the President of the Senate to the Standing Committee on Local Legislation.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate amendments to bill:

H. 114. To repeal an act entitled "An act to regulate the charging of fees and furnishing of information within the several departments of the State and to provide for the covering into the State treasury of such fees," approved September 29, 1915.

Fred H. Gormley,  
Clerk.

#### ADJOURNMENT

At 5:45 o'clock P. M., pursuant to Senate joint resolution heretofore adopted and on motion of Mr. Baker, the Senate adjourned until 10 o'clock tomorrow morning.



## EIGHTEENTH DAY.

Thursday, February 13th, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

## PRAYER.

Rev. Mr. Partridge of the House.

## ROLL CALL.

Mr. President and

Messrs:

Acker	Carmichael	Huddleston	Norwood
Baker	Cowan	Kelly	Phillips
Beale	Craft	Leith	Prestwood
Bedsole	Ellis	Miller	Rogers (Sumter)
Briscoe	Espy	Moore	Sims
Brown	Evins	Morris	Smith (Coosa)
Butler	Gunter	McDowell	Tally
Carlton	Harper	Nance	West

—32

## JOURNAL.

On motion of Mr. Briscoe the reading of the Journal of yesterday was dispensed with and same approved.

## REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Rogers of Sumter:

S. 26. To provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama.

By Mr. Ross:

H. 21. To amend the caption and sections one, two, three, four, five, six, seven, eight, nine and ten of "An act, to protect women and children from desertion and non-support by husbands and parents; making it a misdemeanor for a husband to desert or neglect to provide for the support of his wife, or for a parent to desert or neglect to provide for the support of his or child, or children, under the age of sixteen years; prescribing the penalty therefor, and making provisions for the apprehension and punishment of persons convicted of non-support or desertion; and providing for the taking of recognizances; and for the

forfeiture and enforcement of said recognizances; also providing for the appointment of probation officers and prescribing their duties and powers; and making chiefs of police and sheriffs and other peace officers, probation officers, in certain contingencies, and designating the courts which shall have jurisdiction of such matters. Approved September 16th, 1915.

Mr. Miller, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Morris of Dale:

S. 197. To regulate and prescribe the sale of illuminating fuel and other oils, and gasoline in this State, and to prescribe punishment for the violation of this act.

Mr. Butler, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Sherrod:

H. 141. To amend subdivision 82½ of section 1 of an act entitled an act "To prescribe and fix the license or privilege tax to be paid by every person, firm, company, corporation or association engaged in any business, vocation, occupation, calling or profession in this State, or who shall in this State exercise any privileges, for which a license or privilege tax is or may be charged; to provide for and regulate the collection of such license or privilege tax; to fix the compensation to be paid for the collection of such license or privilege tax; to provide for the distribution, application and safe keeping of the funds arising from the collection of such license or privilege tax; to fix a penalty for doing business without a license, and to provide for the enforcement thereof, and to further provide for the general revenues," approved September 14, 1915.

By Mr. Jones of Montgomery:

H. 273. To fix the salary of tax assessors in the counties having a population of over 82,000 and not exceeding 100,000 according to the last Federal census or any subsequent census, and allowances for clerical help in said offices, and to provide for payment thereof.

By Mr. Shaw:

H. 260. To fix the salary of the judge of the county court in all counties having a population of not less than twenty-four

thousand, seven hundred (24,700) and not more than twenty-five thousand (25,000) according to the Federal census of 1910 and provide for the payment of same.

By Mr. Ross:

H. 189. To provide for the payment of the premium on bonds of county treasurers in counties which have one hundred and fifty thousand population, or over, according to the last Federal census, or any subsequent Federal census; to authorize such county treasurers to require bond from any assistant and provide for the payment of premium on such bond.

Mr. Kelly, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hollis:

H. 168. To amend section 1 of an act entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained, approved September 10, 1915.

By Mr. Parker:

H. 262. To amend act number 411 approved September 10th, 1915, entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained.

By Mr. Gilbert:

H. 181. To prohibit persons from throwing into the public highways bottles, fragments of glass, tacks, nails, or other things likely to injure persons or vehicles passing along the highways.

By Mr. Jones of Montgomery:

H. 192. To provide for the establishment, construction, working and maintenance of private roads.

Mr. Phillips, chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 146. To exempt from the payment of poll tax, all soldiers and sailors during their respective service in the war of 1917-1918.

By Mr. Jones of Montgomery:

H. 283. To amend an act entitled "An act to amend an act entitled 'an act to provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as twenty-five thousand and less than fifty thousand people, according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and recall from office, to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said commission form of government,' approved April 6th, 1911," passed over the governor's veto February 5th, 1915, by amending sections 9, 11, 14, 15, 21½, and 27½ thereof and by repealing sections 13 and 27 thereof.

Mr. West, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Ross:

H. 212. To amend the title and sections one (1), three (3), four (4), fifteen (15) and 29, and paragraphs B and D of section eight (8) of an act "To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire department of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of the officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to declare the said board of trustees the trustee of such fund; to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources

thereof; to provide for the payment into said fund the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenues received from licenses issued by such cities; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such fund of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the city attorney and city physician in connection with said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits out of said fund from levy; to provide the time of taking effect of this act," approved September 28, 1915.

#### RESOLUTION.

Mr. Bedsole offered the following joint resolution:

S. J. R. 48. Resolved by the Senate, the House concurring, that the governor be requested to return S. J. R. 24 to the Senate forthwith, for correction of the enrolled copy. Said resolution relative to joint recess committee to consider a practical system for the study of the convict question and the public roads of the State.

Which was, under a suspension of the rules, adopted.

#### PRIVILEGES OF THE FLOOR.

On motion of Mr. Morris, the privileges of the floor were extended to Mr. Avant of Dale for today.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 148. To provide for the election of the county superintendent of education of Morgan county, Alabama, by a direct vote of all the qualified electors of said county.

With notice and proof attached hereto and exhibited as follows:

A BILL

To be entitled an act to provide for the election of the county superintendent of education of Morgan county, Alabama, by a direct vote of all the qualified electors of said county.

Be it enacted by the Legislature of the State of Alabama:

Sec. 1. That at the next general election after approval of this act, the county superintendent of education of said county shall be elected by a direct vote of all the qualified electors of said county, who shall hold office for four years from and after the 31st day of December, 1919, and until his successor is elected and qualified.

Sec. 2. That a county superintendent of education shall in like manner be elected every four years thereafter, whose term of office shall be four years.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict herewith be and the same hereby are repealed.

State of Alabama, }  
Morgan County. }

Before me, Elsie Denton, a notary public in and for said county and State, this day personally appeared M. D. Wiggins, who being by me duly sworn deposes and says: That he is the manager of the Hartselle Enterprise, a newspaper published at the times hereinafter mentioned, at Hartselle, Morgan county, Alabama, and that the notice of the introduction of a bill providing for the election by the people of a superintendent of education was published in said paper for four consecutive weeks, viz: December 19th, 1918; December 26th, 1918; January 2nd, 1919, and January 9th, 1919, respectively, and which said notice is hereto attached, marked Exhibit A and made a part and parcel hereof.

(Signed) M. D. Wiggins,  
Manager.

Subscribed and sworn to before me this the 18th day of January, 1919.  
Elsie Denton,  
Notary Public.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 148. To the Committee on Education.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 241. To abolish the office of deputy solicitor of Covington county, and to repeal all laws general, special or local in conflict with the provisions of this act insofar as they relate to Covington county.

And ordered same sent forthwith to the Senate without engrossment, with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

A bill will be introduced in the Legislature of Alabama, at its next regular session convening in January, 1919, and enacted into a law for Covington county, Alabama, abolishing the office of deputy solicitor for Covington county, and providing for the repeal of all laws both general and special in conflict with the abolishment of said office in so far as they relate to Covington county, Alabama.

The State of Alabama, }  
Covington County. }

I, H. J. Brogden, clerk of circuit court for said county and State, hereby certify that on this day in said county personally appeared before me, Oscar M. Dugger, who is known to me, and who, being by me first duly sworn, doth on oath depose and say: That I am the publisher and editor of the Andalusia Star, a semi-weekly newspaper published regularly twice each week in Andalusia, said county and State, and that the above and foregoing notice to abolish the office of deputy solicitor for Covington county, Alabama, as is copied and set out above, was regularly published for four consecutive weeks, in said newspaper in said county, beginning on and in the issue of said newspaper of January 7th, 1919, and appearing in said paper regularly on January 7th, 1919, January 14th, 1919, January 21st, 1919, and January 28th, 1919.

Oscar M. Dugger.

Sworn to and subscribed before me this the 29th day of January, 1919.

(Seal.) H. J. Brogden,  
Clerk of the Circuit Court of Covington County, Alabama.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 241. To the Committee on Judiciary.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in S. J. R. 48, relative to the return from the governor of S. J. R. 24 to the Senate.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 334. To authorize the employment of pages and messengers of the House of Representatives and Senate, and prescribe their qualifications.

And sends same herewith to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

## HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 334. To the Committee on Rules.

## RESOLUTION.

Mr. Gunter offered the following resolution:

S. R. 49. Resolved that House bill 283, to amend a commission form of government, be made a special order for 11 o'clock A. M., on Friday, February 14th and that it be a continuous order until disposed of.

Which was read and referred to the Standing Committee on Rules.

## BILLS ON THIRD READING.

The bill:

S. 191. To appropriate the sum of two thousand two hundred fifteen and 76/100 (\$2,215.76) dollars for the relief of the board of inspectors of convicts for coal furnished the legislative and other departments of government, up to January 23rd, 1919.

Was read a third time at length, passed and ordered sent forthwith to the House without engrossment.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Acker  
Baker  
Beale  
Bedsole  
Briscoe  
Brown  
Butler  
Carlton

Carmichael  
Cowan  
Craft  
Ellis  
Espy  
Evins  
Gunter  
Harper

Kelly  
Leith  
Miller  
Moore  
Morris  
McDowell  
Nance  
Norwood

Phillips  
Prestwood  
Rogers (Sumter)  
Sims  
Smith (Coosa)  
Tally  
West

—31

Nays:—None.



The bill:

S. 196. To abolish the corporation of the town of Daleville, Dale county, Alabama.

Was read a third time at length, passed and ordered sent forthwith to the House without engrossment.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Kelly	Phillips
Baker	Cowan	Leith	Prestwood
Beale	Craft	Miller	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper	Norwood	

—31

Nays:—None.

The bill:

S. 199. To create the office of county treasurer in all counties in this State which now have, or which may hereafter have a population of twenty-one thousand four hundred and twenty-five people and not exceeding twenty-one thousand four hundred and fifty people, according to the last Federal census, or any such census which may hereafter be taken; to provide for the appointment of a county treasurer in each of such counties to hold office until the first Monday after the second Tuesday in January, 1921, and to provide for the election of a county treasurer in such counties by the qualified electors thereof at the general election in 1920, and every fourth year thereafter; to prescribe the qualifications and duties of such county treasurers, to fix their compensation and how the same shall be paid.

Was read a third time at length, passed and ordered sent forthwith to the House without engrossment.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Kelly	Phillips
Baker	Cowan	Leith	Prestwood
Beale	Craft	Miller	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper	Norwood	

—31

Nays:—None.

The bill:

H. 201. To make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, and for the interest on the public debt, and for the public schools for that part of the fiscal year beginning April 1, 1919, and ending September 30, 1919.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Kelly	Norwood
Baker	Cowan	Leith	Prestwood
Beale	Craft	Miller	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Gunter	McDowell	Tally
Carlton	Harper	Nance	West

—28

Nays:—None.

The bill:

H. 200. To provide for the acceptance of the benefits of an act passed by the Senate and House of Representatives of the United States of America, in Congress assembled, to provide for the promotion of vocational education, to provide for the appointment of a State board of vocational education, and to provide for the duties thereof; and to make appropriations for vocational education.

Was read a third time at length and passed.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Kelly	Phillips
Baker	Cowan	Leith	Prestwood
Beale	Craft	Miller	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper	Norwood	

—31

Nays:—None.

The bill:

H. 294. To provide for the payment of expenses incurred by the doorkeeper of the House and the doorkeeper of the Senate.

Was read a third time at length and passed.

Yeas, 31; Nays, 0.

*Yeas:*

*Messrs:*

Acker	Carmichael	Kelly	Phillips
Baker	Cowan	Leith	Prestwood
Beale	Craft	Miller	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper	Norwood	

—31

*Nays:*—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 131. To amend section 563 of the Code, relating to servants of executive offices.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

H. J. R. 56. Relative to the death of Hon. Jos. W. Marshall, member of the House from Russell county.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. McDowell, H. J. R. 56, set out in the foregoing message from the House, was, under a suspension of the rules, adopted by a rising vote of the Senate.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bills, your signature thereto is requested:

H. 114. To amend an act entitled, "An act to regulate the charging of fees and furnishing of information within the several departments of the State and to provide for the covering into the State treasury of such fees," approved September 29, 1915.

Also:

H. 278. To amend section 5 of an act entitled an act to create for Walker county, Alabama, the office of full time health officer;

to provide for the election of such health officer, and prescribe the terms of office, duties, salary and expenses of such officer, approved September 17, 1915.

Also:

H. 100. To repeal an act "To authorize persons who have practiced dentistry or dental surgery in the State of Alabama for twenty years or more, to practice the same," approved September 25, 1915.

Also:

H. 203. To fix the time for holding the county court in Butler county, Alabama.

Fred H. Gormley,  
Clerk.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

H. 114. To amend an act entitled, "An act to regulate the charging of fees and furnishing of information within the several departments of the State and to provide for the covering into the State treasury of such fees," approved September 29, 1915.

Also:

H. 278. To amend section 5 of an act entitled an act to create for Walker county, Alabama, the office of full time health officer; to provide for the election of such health officer, and prescribe the terms of office, duties, salary and expenses of such officer, approved September 17, 1915.

Also:

H. 100. To repeal an act "To authorize persons who have practiced dentistry or dental surgery in the State of Alabama for twenty years or more, to practice the same," approved September 25, 1915.

Also:

H. 203. To fix the time for holding the county court in Butler county, Alabama.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House joint resolution, your signature thereto is requested:

H. J. R. 54. Relative to urging Senators and Representatives in Congress to lend their earnest efforts towards securing the prompt passage of the bill known as the Byrnes' Soldier Settlement bill.

Fred H. Gormley,  
Clerk.

#### SIGNING OF RESOLUTION.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following resolution:

H. J. R. 54. Relative to urging Senators and Representatives in Congress to lend their earnest efforts towards securing the prompt passage of the bill known as the Byrnes' Soldier Settlement bill.

#### RESOLUTION.

Mr. Craft offered the following resolution:

S. J. R. 50. Whereas, two members of the Mobile Harbor Commission have tendered their resignation, and

Whereas, the governor in his message recommended that the State should aid substantially and develop Alabama's only seaport, and

Whereas, the State is vitally interested in the development of the harbor and rivers of the State:

Therefore, be it resolved, by the Senate, the House concurring, that the members of the House and Senate meet in joint session in the hall of the House of Representatives, tonight at eight o'clock, for the purpose of discussing ways and means by and through which the inland navigable waterways of the State and the great harbor of Mobile bay may be developed in such a manner as to meet the requirements and aspirations of the people of the State, thereby placing the industrial and commercial interests of the State in a position to compete with other seaports in entering the world markets for the sale of the products of our farms, forests, mines and manufactories.

Which was, under a suspension of the rules, adopted, and sent forthwith to the House without engrossment.

#### BILLS ON THIRD READING RESUMED.

The bill:

S. 175. To make an appropriation for tick eradication in Alabama.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 2.

*Yeas:*

Messrs:

Acker	Cowan	Kelly	Norwood
Beale	Craft	Leith	Phillips
Bedsole	Ellis	Miller	Rogers (Sumter)
Briscoe	Espy	Moore	Sims
Brown	Evins	Morris	Smith (Coosa)
Butler	Gunter	McDowell	Tally
Carlton	Harper	Nance	West
Carmichael			

—29

*Nays:*

Messrs:

Baker Prestwood

—2

The bill:

S. 194. To establish a board of revenue for Sumter county, and for the abolishment of the court of county commissioners of said county.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 31; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Kelly	Phillips
Baker	Cowan	Leith	Prestwood
Beale	Craft	Miller	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper	Norwood	

—31

*Nays:*—None.

The bill:

S. 202. To repeal the local road law of Wilcox county, Alabama, approved September 22nd, 1915.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 31; Nays, 0.

*Yeas:*

Messrs:

Acker	Bedsole	Butler	Cowan
Baker	Briscoe	Carlton	Craft
Beale	Brown	Carmichael	Ellis

Espy	Leith	Nance	Sims
Evins	Miller	Norwood	Smith (Coosa)
Gunter	Moore	Phillips	Tally
Harper	Morris	Prestwood	West
Kelly	McDowell	Rogers (Sumter)	

—31

*Nays*:—None.

The bill:

S. 201. To repeal an act entitled "An act to provide for the working, grading, improvement and building of the public roads and bridges of Coosa county, Alabama, and to provide revenue for doing same."

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment,

Yeas, 31; Nays, 0.

*Yeas*:

Messrs:

Acker	Carmichael	Kelly	Phillips
Baker	Cowan	Leith	Prestwood
Beale	Craft	Miller	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper	Norwood	

—31

*Nays*:—None.

The bill:

H. 175. To close and vacate Convenient street in the town of Marion, Alabama, from the southern line of S. A. Nelms' lot to the northern line of DeKalb street.

Was read a third time at length and passed.

Yeas, 31; Nays, 0.

*Yeas*:

Messrs:

Acker	Carmichael	Kelly	Phillips
Baker	Cowan	Leith	Prestwood
Beale	Craft	Miller	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper	Norwood	

—31

*Nays*:—None.

The bill:

H. 156. To repeal an act entitled, "An act to provide for the more efficient working of the public roads of Crenshaw county,

Alabama, and to provide that the court of county commissioners, in its discretion, levy a road tax, a vehicle tax, and a dog tax the proceeds therefrom to be applied to the maintenance of the public roads of said county approved September 22, 1915, Local Acts 1915, pages 403-405.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Kelly	Norwood
Baker	Cowan	Leith	Phillips
Beale	Craft	Miller	Prestwood
Bedsole	Ellis	Moore	Rogers (Sumter)
Briscoe	Espy	Morris	Sims
Brown	Evins	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper		

—30

*Nays:*—None.

The bill:

H. 130. To make the clerk of the circuit court of Crenshaw county ex-officio clerk of the county court.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Kelly	Norwood
Baker	Cowan	Leith	Phillips
Beale	Craft	Miller	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper		

—30

*Nays:*—None.

The bill:

H. 246. To ratify, confirm, validate and make legal, effective and binding a certain county warrant issued by Lamar county, Alabama, at the November, 1916, adjourned term of the county commissioners court of Lamar county, Alabama, said warrant being dated December 6th, 1916, payable to U. T. Propst for three thousand, six hundred and twenty one and 70-100 (\$3,621.70) dollars, and bearing interest at six (6) per cent per annum, and being payable on January the first, 1923, and being



signed by R. L. Bradley, judge of probate of said county, it being county warrant number 11,536, and to require and direct the treasurer, or the acting treasurer of said Lamar county, Alabama, to recognize and treat said warrant, in all things, as the legal and valid warrant of said Lamar county, Alabama.

Was read a third time at length and passed.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Kelly	Phillips
Baker	Cowan	Leith	Prestwood
Beale	Craft	Miller	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper	Norwood	

—31

Nays:—None.

The bill:

H. 162. To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads and bridges of Fayette county, Alabama; to define the duties and powers of the court of county commissioners, or other governing body of Fayette county with regard of the same; to fix penalties for the violations of the rules, regulations and laws of the court of county commissioners or other like governing body of said county, to provide for the better building, maintenance and protection of the public roads and bridges of Fayette county, to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect; to provide for the more efficient working, construction and repair of the public roads and bridges in Fayette county, Alabama; to provide for the appointment of road supervisors in the several precincts in the county, and to fix their compensation and define their duties and powers; to provide for a commutation fee in lieu of working the roads; to provide for the levy of a special tax of five per cent of one-fourth of one percentum now allowed by law on all taxable property, to be used exclusively for maintaining and repairing public roads and bridges in Fayette county; to create a separate and special road fund for said county, and to prevent obstruction and damage to the public roads and bridges of said county.

Was read a third time at length and passed.

Yeas, 31; Nays, 0.

*Yeas:*

*Messrs:*

Acker	Carmichael	Kelly	Phillips
Baker	Cowan	Leith	Prestwood
Beale	Craft	Miller	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper	Norwood	

—31

*Nays:*—None.

The bill:

S. 203. To further authorize the governor to enforce the laws and preserve the peace of the State and to prescribe the means whereby this duty may be performed by the governor.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 30; Nays, 0.

*Yeas:*

*Messrs:*

Acker	Carmichael	Kelly	Norwood
Baker	Cowan	Leith	Phillips
Beale	Craft	Miller	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper		

—30

*Nays:*—None.

The bill:

S. 189. To authorize the board of revenue of Jefferson county to employ attorneys and fix their compensation.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 30; Nays, 0.

*Yeas:*

*Messrs:*

Acker	Cowan	Leith	Phillips
Baker	Craft	Miller	Prestwood
Beale	Ellis	Moore	Rogers (Sumter)
Bedsole	Espy	Morris	Sims
Briscoe	Evins	McDowell	Smith (Coosa)
Brown	Gunter	Nance	Tally
Butler	Harper	Norwood	West
Carlton	Kelly		

—30

*Nays:*—None.

The bill:

S. 198. To create a commission to be known as the Alabama Post-War Council of Defense, to prescribe its powers and duties, to designate members ex-officio and other members, to provide for co-operation between the State and the Federal government and between the State and other agencies in meeting the exigencies and emergencies incident to post-war re-adjustment, and to make an appropriation for the carrying out of the provisions of this act.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 31; Nays, 1.

Yeas:

Messrs:

Acker	Cowan	Kelly	Phillips
Beale	Craft	Leith	Prestwood
Bedsole	Ellis	Miller	Rogers (Sumter)
Briscoe	Espy	Moore	Sims
Brown	Evins	Morris	Smith (Coosa)
Butler	Gunter	McDowell	Tally
Carlton	Harper	Nance	West
Carmichael	Huddleston	Norwood	

—31

Nays:

Mr. Baker—1.

The bill:

H. 284. To authorize the sheriff of all counties of a population of 82,000 and not more than 100,000 population according to the last Federal census, to summons two guards, which said guards shall be in attendance in the jail of such counties, and to require the board of revenue of such counties to pay to each of such guards, the sum of \$100.00 per month out of the general fund of such counties, and to provide for the payment thereof, and to abolish the office of assistant night jailer in such counties.

Was read a third time at length and passed.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Kelly	Phillips
Baker	Cowan	Leith	Prestwood
Beale	Craft	Miller	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper	Norwood	

—31

Nays:—None.

The bill:

H. 229. To create the Alabama Centennial Commission, to prescribe its powers and duties, and to make an appropriation for the appropriate celebration, under the direction of the commission, of the one hundredth anniversary of the admission of Alabama into the Federal union.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Leith	Phillips
Beale	Craft	Miller	Prestwood
Bedsole	Ellis	Moore	Rogers (Sumter)
Briscoe	Espy	Morris	Sims
Brown	Evins	McDowell	Smith (Coosa)
Butler	Gunter	Nance	Tally
Carlton	Harper	Norwood	West
Carmichael	Kelly		

—30

Nays:

Mr. Baker—1.

The bill:

H. 164. To provide for the payment of fees, charges and commissions of county officers, and fines and forfeitures into the general fund of the county, in counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

Was read a third time at length and passed.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Kelly	Phillips
Baker	Cowan	Leith	Prestwood
Beale	Craft	Miller	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe.	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper	Norwood	

—31

Nays:—None.

#### SPECIAL ORDER SET.

On motion of Mr. Carmichael, the bill:

S. 200. To provide for the prevention of a double tax on persons owning automobiles or motor vehicles, and transfer of license in event of sale.

Was made a special order for consideration after the recess today.

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills beg leave to report that said committee, in session, have compared the following enrolled bills and joint resolutions with the engrossed and original bills and joint resolutions, respectively, and find same correctly enrolled, to-wit:

S. 70. To provide a better system of public roads for the county of Cullman, State of Alabama.

S. 152. To provide for the clerk of the circuit court of Barbour county to be ex-officio clerk of the county court of Barbour county, to provide the compensation for his services, and to provide for the services of the sheriff of Barbour county in the county court, and to fix the compensation for his services in said court.

S. J. R. 24. Relative to a joint committee from the Senate and House of Representatives of the Alabama Legislature consisting of three members from the Senate to be appointed by the President of the Senate and five from the House to be appointed by the Speaker of the House, which shall sit during the recess of the Legislature to consider the several subjects referred to in this act.

S. 131. To amend section 563 of the Code, relating to servants of the executive offices.

Chas. McDowell, Jr.,  
Chairman.

#### SIGNING OF BILLS AND RESOLUTION.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills and resolution:

S. 70. To provide a better system of public roads for the county of Cullman, State of Alabama.

S. 152. To provide for the clerk of the circuit court of Barbour county to be ex-officio clerk of the county court of Barbour county, to provide the compensation for his services, and to provide for the services of the sheriff of Barbour county in the county court, and to fix the compensation for his services in said court.

S. J. R. 24. Relative to a joint committee from the Senate and House of Representatives of the Alabama Legislature consisting of three members from the Senate to be appointed by the President of the Senate and five from the House to be appointed by the Speaker of the House, which shall sit during the recess of the Legislature to consider the several subjects referred to in this act.

S. 131. To amend section 563 of the Code, relating to servants of the executive offices.

#### BILLS ON THIRD READING RESUMED.

The bill:

H. 261. To fix the compensation of members of the courts of county commissioners and boards of revenue in all counties having a population of not less than twenty-four thousand seven hundred (24,700) and not more than twenty-five thousand (25,000) according to the Federal census of 1910 and provide for payment of same.

Was read a third time at length and passed.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Kelly	Phillips
Baker	Cowan	Leith	Prestwood
Beale	Craft	Miller	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper	Norwood	

—31

Nays:—None.

The bill:

H. 224. To prohibit the public or private display or use within the State of Alabama of certain flags, emblems and insignia; and to prescribe penalties for the violation thereof.

Was read a third time at length and passed.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Kelly	Phillips
Baker	Cowan	Leith	Prestwood
Beale	Craft	Miller	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper	Norwood	

—31

Nays:—None.

The bill:

H. 285. To amend an act entitled, "An act to further prescribe and regulate the right and manner of taking appeals in civil and criminal cases and their submission in the supreme court and court of appeals," approved September 22, 1915.

Was read a third time at length and passed.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Kelly	Phillips
Baker	Cowan	Leith	Prestwood
Beale	Craft	Miller	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper	Norwood	

—31

Nays:—None.

The bill:

H. 59. To fix the salary of the deputy circuit solicitor of Shelby county, Alabama, at seventy-five (\$75.00) dollars per month, payable out of the county treasury of Shelby county, Alabama, and to provide for the drawing of said warrant and making of said warrant for said salary a preferred claim against the treasury of said county.

Was read a third time at length and passed.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Huddleston	Norwood
Baker	Cowan	Kelly	Phillips
Beale	Craft	Leith	Prestwood
Bedsole	Ellis	Miller	Rogers (Sumter)
Briscoe	Espy	Moore	Sims
Brown	Evins	Morris	Smith (Coosa)
Butler	Gunter	McDowell	Tally
Carlton	Harper	Nance	

—31

Nays:—None.

The bill:

H. 247. To authorize and require all funds now in the county treasury or county depository of Marengo county, belonging to the Marengo law and equity court fine and forfeiture fund, or which may now be due to, or which may hereafter accrue to the said fund, to be paid into the fine and forfeiture fund of Marengo

county, and to authorize and require all lawful claims against said Marengo law and equity court fine and forfeiture fund to be registered against the fine and forfeiture fund of Marengo county, and to be paid therefrom in the order of their registration against the said fine and forfeiture fund.

Was read a third time at length and passed.

Yeas, 31; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Kelly	Phillips
Baker	Cowan	Leith	Prestwood
Beale	Craft	Miller	Rogers (Sumter)
Bedsale	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper	Norwood	

—31

*Nays:*—None.

The bill:

H. 178. To provide for the incorporation of societies of persons seeking to promote the development or betterment of communities, municipalities or counties in this State or other public purposes, without pecuniary profit to the individual members; and to exempt the property of such societies from taxation.

Was read a third time at length and passed.

Yeas, 31; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Huddleston	Norwood
Baker	Cowan	Kelly	Phillips
Beale	Craft	Leith	Prestwood
Bedsale	Ellis	Miller	Rogers (Sumter)
Briscoe	Espy	Moore	Sims
Brown	Evins	Morris	Smith (Coosa)
Butler	Gunter	McDowell	Tally
Carlton	Harper	Nance	

—31

*Nays:*—None.

The bill:

H. 286. To amend section 3513 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs:

Acker	Beale	Briscoe	Butler
Baker	Bedsale	Brown	Carlton



Carmichael	Harper	McDowell	Sims
Cowan	Huddleston	Nance	Smith (Coosa)
Ellis	Leith	Norwood	Tally
Evins	Miller	Phillips	West
Gunter	Morris	Prestwood	

—27

*Nays*:—None.

The bill:

H. 124. To provide for the relief of William Wilson and to make an appropriation therefor.

Was read a third time at length and passed.

Yeas, 30; Nays, 1.

*Yeas*:

Messrs:

Acker	Carmichael	Leith	Phillips
Baker	Cowan	Miller	Prestwood
Beale	Craft	Moore	Rogers (Sumter)
Bedsale	Ellis	Morris	Sims
Briscoe	Espy	McDowell	Smith (Coosa)
Brown	Gunter	Nance	Tally
Butler	Harper	Norwood	West
Carlton	Kelly		

—30

*Nays*:

Mr. Evins—1.

#### RECESS.

At 12:30 o'clock P. M., on motion of Mr. Baker, the Senate took a recess until 2:30 o'clock this afternoon.

#### AFTERNOON SESSION.—EIGHTEENTH DAY.

Thursday, February 13th, 1919.

The Senate re-assembled at 2:30 P. M., Lieutenant Governor Miller presiding.

#### ROLL CALL.

On a call of the roll 27 members answered to their names, a quorum of the Senate.

#### REPORTS OF COMMITTEES.

Mr. Brown, chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bills and ordered same

returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Baker:

S. 207. To prohibit the assessing or collecting of any privilege or license tax or fee, by municipalities, from persons for conducting or operating any business, trade or profession outside the corporate limits of such municipality.

By Mr. Fletcher:

H. 143. To amend section 1436 of the Code of Alabama.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolutions and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Green of Dallas:

H. J. R. 53. Requesting the secretary of state to communicate to the Legislature the exact number of volumes and the number of copies of each volume of the report of the Alabama court of appeals, printed in the years 1915, 1916, 1917 and 1918 respectively, together with the total cost paid the State printer for each volume, the number of copies of each volume sold to the public, the number of copies of each distributed under the law, and the number of copies of each on hand.

By Mr. Lynne:

H. J. R. 58. Relative to the creation of a joint committee of the House and Senate to sit with the State budget commission during the recess period of the Legislature.

Mr. Carmichael, chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Dickson:

H. 268. To amend sections two, three and eight of an act approved September 22, 1915, "To amend article 31, chapter 41, of the Code of Alabama, 1907."

Mr. Carmichael, chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report:

By Mr. Dickson:

H. 151. To provide for the appointment of a commission to make a study of the public school system of Alabama and to make an appropriation therefor.

## REPORT FROM RULES COMMITTEE.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate resolution and ordered the same returned to the Senate with a favorable report, to-wit:

S. R. 49. Resolved that House bill 283, to amend a commission form of government, be made a special order for 11 o'clock A. M., on Friday, February 14, and that it be a continuous order until disposed of.

And on motion of Mr. Acker said report was concurred in and said resolution was, under a suspension of the rules, adopted, and said bill, House bill 283, was made a special continuing order for 11 o'clock Friday, February 14th.

## CONSIDERATION OF SPECIAL ORDER.

The Senate proceeded to consider the special order for this hour, which was

S. 200. To provide for the prevention of a double tax on persons owning automobiles or motor vehicles, and transfer of license in event of sale.

Mr. Evins offered the following amendment to said bill, to-wit:

Amend section 1 by adding at the end thereof the following:

"Provided, that if such license is transferred, the transferee thereof shall, within ten days thereafter, report the fact of such transfer to the probate office out of which such license issued to the original owner, and the said transfer shall be registered as the owner of the automobile or motor vehicle operated under such license. If the transferee fail to report the fact of such transfer, the transferor may so report the fact of such transfer to such probate office."

Which was adopted.

Yeas, 30; Nays, 0.

*Yeas:*

## Messrs:

Acker	Carmichael	Huddleston	Norwood
Baker	Cowan	Kelly	Phillips
Beale	Craft	Miller	Prestwood
Bedsole	Ellis	Moore	Rogers (Sumter)
Briscoe	Espy	Morris	Sims
Brown	Evins	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper		

—30

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

*Yeas:*

Messrs:

Acker	Carlton	Huddleston	Nance
Baker	Carmichael	Kelly	Norwood
Beale	Cowan	Leith	Prestwood
Bedsole	Craft	Miller	Rogers (Sumter)
Briscoe	Ellis	Moore	Sims
Brown	Gunter	Morris	Tally
Butler	Harper	McDowell	West

—28

*Nays:*—None.

#### BILLS ON THIRD READING.

The bill:

H. 207. To authorize officers of Escambia county to record and provide suitable books for recording abstracts of title to any parcel or tract of land in said county and to fix the charges for reimbursing the cost of the same.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Huddleston	Nance
Baker	Cowan	Kelly	Norwood
Beale	Craft	Leith	Prestwood
Bedsole	Ellis	Miller	Rogers (Sumter)
Briscoe	Espy	Moore	Sims
Brown	Evins	Morris	Tally
Butler	Gunter	McDowell	West
Carlton	Harper		

—30

*Nays:*—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate amendments to the bill:

H. 105. To provide for the control of venereal diseases by an ante-nuptial physical examination of men, which shall be done within fifteen days before granting marriage license, fixing penalties for noncompliance.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 181. To amend an act entitled an act "To provide for and regulate the manufacture and sale of 'commercial feeding stuffs' in Alabama; to further provide for the registration, tagging, sampling and analyzing 'commercial feeding stuffs' and to fix penalties for violations of this act," so as to regulate the sale of "commercial feeding stuffs;" to define the same, and to prohibit the adulteration thereof, to provide for their correct weight, sampling, analyses, and marketing; to authorize the commissioner of agriculture and industries to prescribe rules and regulations for carrying out the provisions of this act; to establish in the department of agriculture and industries a division of foods, feeds and drugs, to be charged with the execution of this act; to authorize the commissioner of agriculture and industries to appoint an assistant as supervisor of said division, and to appoint other necessary clerical assistants; to provide for the payment of salaries and expenses out of funds accruing hereunder; and to fix penalties for violation of this act.

S. 10. To appropriate the sum of seventy thousand (\$70,000.00) dollars for the payment of the amounts due by the State to the sheriffs of the counties in the State for feeding prisoners in the county jails during the fiscal years 1916 and 1917, and which are unpaid.

S. 123. To create a county highway commission for Walker county, Alabama, and to define the powers and duties thereof.

S. 143. To create the office of assistant clerk of the inferior criminal court of Mobile county, prescribe his or her duties, fix his or her salary and provide for the method of selection for said office.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House joint resolution, your signature thereto is requested:

H. J. R. 56. Relative to the death of Hon. Jos. W. Marshall, member of the House from Russell county.

Fred H. Gormley,  
Clerk.

## SIGNING OF RESOLUTION.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following resolution:

H. J. R. 56. Relative to the death of Hon. Jos. W. Marshall, member of the House from Russell county.

## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bills, your signature thereto is requested:

H. 54. To provide for absent qualified electors of the State of Alabama to vote in any primary election in this State while absent from the State or county in which he is a qualified elector; to provide the method of carrying out such provision; and to require election officers and others charged with duties hereunder to perform duties in connection therewith.

Also:

H. 215. For the relief of Joseph Espalla, Jr., A. S. Lyons and H. W. Fowler.

Also:

H. 123. For the further protection of fish. To make it unlawful for any person to take or catch fish by the means of any net, seine, trap or other device as a substitute therefor, in any of the creeks, rivers or other streams, or in any of the estuaries, lagoons or lakes emptying into any of the salt waters, or bays of this State, within ten miles from the point where such bodies of water empty into, or connect with, the salt waters, or bays of this State, except as herein provided, and to make it unlawful for any person to catch any bass, green trout, bream, or goggle-eye by any other means than those provided for herein, and to prescribe penalties for the violation of the provisions of this act.

Also:

H. 170. To provide for temporary appointment of United States senator.

Also:

H. 294. To provide for the payment of expenses incurred by the doorkeeper of the House and the doorkeeper of the Senate.

Fred H. Gormley,  
Clerk.

## SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

H. 54. To provide for absent qualified electors of the State of Alabama to vote in any primary election in this State while absent from the State or county in which he is a qualified elector; to provide the method of carrying out such provision; and to require election officers and others charged with duties hereunder to perform duties in connection therewith.

Also:

H. 215. For the relief of Joseph Espalla, Jr., A. S. Lyons and H. W. Fowler.

Also:

H. 123. For the further protection of fish. To make it unlawful for any person to take or catch fish by the means of any net, seine, trap or other device as substitute therefor, in any of the creeks, rivers or other streams, or in any of the estuaries, lagoons or lakes emptying into any of the salt waters, or bays of this State, within ten miles from the point where such bodies of water empty into or connect with, the salt waters or bays of this State, except as herein provided, and to make it unlawful for any person to catch any bass, green trout, bream, or goggle eye by any other means than those provided for herein, and to prescribe penalties for the violation of the provisions of this act.

Also:

H. 170. To provide for temporary appointment of United States Senator.

Also:

H. 294. To provide for the payment of expenses incurred by the doorkeeper of the House and the doorkeeper of the Senate.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 151. To amend section two of an act "to regulate the practice of veterinary medicine and surgery in the State of Alabama, and establish a veterinary medical examining board." Approved March 17, 1915.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 227. To require all State officers and employees traveling at the expense of the State, to file a verified, itemized statement of expenses, with vouchers attached before warrants issue therefor, and to provide that where the law provides for a certain sum for traveling expenses, the same shall not be paid unless actually expended.

And sends same herewith to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

## HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 227. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 65. To protect wild fur-bearing animals; to provide a season during which they may be legally trapped or taken; to provide a license for those engaged in trapping wild fur-bearing animals; and to provide penalties for the violation of this act.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed:

S. 180. To regulate inferior courts or courts of common pleas, or by whatsoever name the same is known and called, in cities having as many as thirty-five thousand, and less than fifty thousand population, according to the last or any subsequent Federal census; to provide and define the jurisdiction and powers of such courts; to provide for the judges and officers of such courts, and their powers, duties and compensation and to fix the fees and costs for such courts; to provide the rules of procedure for such courts, and for the operation thereof; and to provide for registering, and a lien for its judgments; and to abolish justices of the peace in such cities.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.



## HOUSE MESSAGE.

On motion of Mr. Gunter, the Senate concurred in the following amendment by the House to S. 180, the title of which is set out in the foregoing message from the House, to-wit:

Amend section 34 of the bill to read as follows: The judge of such court shall adopt a seal for the same, which shall be kept in the custody and control of the clerk thereof.

Amend section 11 of the bill by adding after the words "misdemeanor cases in said court," where they appear in line 15 of said section, the following words: "except in cases involving a violation of the prohibition laws of the State."

Yeas, 30; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Kelly	Norwood
Baker	Cowan	Leith	Prestwood
Beale	Craft	Miller	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Huddleston		

—30

*Nays:*—None.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 94. To authorize the governor to make a temporary appointment to fill a vacancy in the office of senator from the State of Alabama in the Senate of the United States.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bills, your signature thereto is requested:

H. 175. To close and vacate Convenient street in the town of Marion, Alabama, from the southern line of S. A. Nelms' lot to the northern line of DeKalb street.

Also:

H. 124. To provide for the relief of William Wilson and to make an appropriation therefor.

Also:

H. 130. To make the clerk of the circuit court of Crenshaw county ex-officio clerk of the county court.

Also:

H. 284. To authorize the sheriff of all counties of a population of 82,000 and not more than 100,000 population according to the last Federal census, to summons two guards, which said guards shall be in attendance in the jail of such counties, and to require the board of revenue of such counties to pay to each of such guards, the sum of \$100.00 per month out of the general ~~fund of such counties~~, and to provide for the payment thereof, and to abolish the office of assistant night jailer in such counties.

Also:

H. 246. To ratify, confirm, validate and make legal, effective and binding a certain county warrant issued by Lamar county, Alabama, at the November, 1916, adjourned term of the county commissioners court of Lamar county, Alabama, said warrant being dated December the 6th, 1916, payable to U. T. Propst for three thousand, six hundred and twenty-one and 70/100 (\$3,621.70) dollars, and bearing interest at six (6) per cent per annum, and being payable on January the first, 1923, and being signed by R. L. Bradley, judge of probate of said county, it being county warrant number 11,536, and to require and direct the treasurer, or the acting treasurer of said Lamar county, Alabama, to recognize and treat said warrant, in all things, as the legal and valid warrant of said Lamar county, Alabama.

H. 229. To create the Alabama Centennial Commission, to prescribe its powers and duties, and to make an appropriation for the appropriate celebration, under the direction of the commission, of the one hundredth anniversary of the admission of Alabama into the Federal union.

Also:

H. 164. To provide for the payment of fees, charges and commissions of county officers, and fines and forfeitures into the general fund of the county, in counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

Also:

H. 247. To authorize and require all funds now in the county treasury or county depository of Marengo county, belonging to the Marengo law and equity court fine and forfeiture fund, or which may now be due to, or which may hereafter accrue to the said fund, to be paid into the fine and forfeiture fund of Marengo county, and to authorize and require all lawful claims against said Marengo law and equity court fine and forfeiture fund to be registered against the fine and forfeiture fund of Marengo

county, and to be paid therefrom in the order of their registration against the said fine and forfeiture fund.

Also:

H. 224. To prohibit the public or private display or use within the State of Alabama of certain flags, emblems and insignia; and to prescribe penalties for the violation thereof.

Also:

H. 59. To fix the salary of the deputy circuit solicitor of Shelby county, Alabama, at seventy-five (\$75.00) dollars per month, payable out of the county treasury of Shelby county, Alabama, and to provide for the drawing of said warrant and making of said warrant for said salary a preferred claim against the treasury of said county.

Also:

H. 156. To repeal an act entitled "An act to provide for the more efficient working of the public roads of Crenshaw county, Alabama, and to provide that the court of county commissioners, in its discretion, levy a road tax, a vehicle tax, and a dog tax the proceeds therefrom to be applied to the maintenance of the public roads of said county approved September 22, 1915, Local Acts 1915, pages 403-405.

Fred H. Gormley,  
Clerk.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

H. 175. To close and vacate Convenient street in the town of Marion, Alabama, from the southern line of S. A. Nelms' lot to the northern line of DeKalb street.

Also:

H. 124. To provide for the relief of William Wilson and to make an appropriation therefor.

Also:

H. 130. To make the clerk of the circuit court of Crenshaw county ex-officio clerk of the county court.

Also:

H. 284. To authorize the sheriff of all counties of a population of 82,000 and not more than 100,000 population according to the last Federal census, to summons two guards, which said guards shall be in attendance in the jail of such counties, and to require the board of revenue of such counties to pay to each of

such guards, the sum of \$100.00 per month out of the general fund of such counties, and to provide for the payment thereof, and to abolish the office of assistant night jailer in such counties.

Also:

H. 246. To ratify, confirm, validate and make legal, effective and binding a certain county warranty issued by Lamar county, Alabama, at the November, 1916, adjourned term of the county commissioners court of Lamar county, Alabama, said warrant being dated December 6th, 1916, payable to U. T. Propst for three thousand, six hundred and twenty-one and 70/100 (\$3,621.-70) dollars, and bearing interest at six (6) per cent per annum, and being payable on January the first, 1923, and being signed by R. L. Bradley, judge of probate of said county, it being county warrant number 11,536, and to require and direct the treasurer, or the acting treasurer of said Lamar county, Alabama, to recognize and treat said warrant, in all things, as the legal and valid warrant of said Lamar county, Alabama.

Also:

H. 229. To create the Alabama Centennial Commission, to prescribe its powers and duties, and to make an appropriation for the appropriate celebration, under the direction of the commission, of the one hundredth anniversary of the admission of Alabama into the Federal union.

Also:

H. 164. To provide for the payment of fees, charges and commissions of county officers, and fines and forfeitures into the general fund of the county, in counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

Also:

H. 247. To authorize and require all funds now in the county treasury or county depository of Marengo county, belonging to the Marengo law and equity court fine and forfeiture fund, or which may now be due to, or which may hereafter accrue to the said fund, to be paid into the fine and forfeiture fund of Marengo county, and to authorize and require all lawful claims against said Marengo law and equity court fine and forfeiture fund to be registered against the fine and forfeiture fund of Marengo county, and to be paid therefrom in the order of their registration against the said fine and forfeiture fund.

Also:

H. 224. To prohibit the public or private display or use within the State of Alabama of certain flags, emblems and insignia; and to prescribe penalties for the violation thereof.

Also:

H. 59. To fix the salary of the deputy circuit solicitor of Shelby county, Alabama, at seventy-five (\$75.00) dollars per month, payable out of the county treasury of Shelby county, Alabama, and to provide for the drawing of said warrant and making of said warrant for said salary a preferred claim against the treasury of said county.

Also:

H. 156. To repeal an act entitled "An act to provide for the more efficient working of the public roads of Crenshaw county, Alabama, and to provide that the court of county commissioners, in its discretion, levy a road tax, a vehicle tax, and a dog tax the proceeds therefrom to be applied to the maintenance of the public roads of said county approved September 22, 1915, Local Acts 1915, pages 403-405.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 102. To provide for the consolidation of corporations not of a business character.

S. 182. To authorize and empower the governor of Alabama to make and publish rules and regulations for the reorganization of the National Guard in conformity to acts of Congress relating to the National Guard; to authorize the governor to take necessary steps towards procuring aid, equipment and appropriations from the Federal government for the National Guard.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 78. To make more efficient the rural or primary schools of the State.

And sends same herewith to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 78. To the Committee on Education.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 122. To provide that municipal corporations shall have a lien on the property used in any exhibition, trade, business, vocation, occupation or profession, for which a license is required, and to provide for the enforcement of such lien.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### BILLS ON THIRD READING RESUMED.

The bill:

S. 14. To repeal sections 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105 and 106, of an act of the Legislature of Alabama, entitled an act to provide for the assessment, valuation and equalization of values of real and personal property for taxes, and for this purpose to create State board of equalization, prescribe the powers and duties of said board, to create a board of equalization of each county, and to prescribe the powers and duties of said boards, to provide for the collection of taxes; the sale of property for taxes; the redemption from such sales; to further provide for the general revenues, abolish the State tax commission and to transfer all the power and authority and jurisdiction and all proceedings pending for assessment and collection of taxes, and to repeal all laws in conflict with this act. Approved on the 14th day of September, 1915.

Was taken up.

The Committee on Finance and Taxation offered the following amendment to said bill, to-wit:

Amend section 1 by striking out the numbers:

"84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105 and 106."

Which was adopted.

Yeas, 30; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Huddleston	Nance
Baker	Cowan	Kelly	Norwood
Beale	Craft	Leith	Prestwood
Bedsole	Ellis	Miller	Rogers (Sumter)
Briscoe	Espy	Moore	Sims
Brown	Evins	Morris	Tally
Butler	Gunter	McDowell	West
Carlton	Harper		

Nays:—None.

Mr. Brown offered the following amendment to said bill, to-wit:

"Provided, that the functions and powers and authorities heretofore performed by the county boards of equalization under the sections herein repealed are conferred on county boards of revenue or county commissioners."

Mr. Carmichael moved to table the amendment offered by Mr. Brown, which motion was lost.

Yeas, 9; Nays, 21.

*Yeas:*

Messrs:

Acker	Butler	Craft	Evins
Baker	Carmichael	Ellis	Gunter
Beale			

—9

*Nays:*

Messrs:

Bedsole	Harper	Moore	Prestwood
Briscoe	Huddleston	Morris	Rogers (Sumter)
Brown	Kelly	Nance	Sims
Carlton	Leith	Norwood	Tally
Cowan	Miller	Phillips	West
Espy			

—21

And the amendment offered by Mr. Brown was then adopted.

Yeas, 24; Nays, 5.

*Yeas:*

Messrs:

Acker	Carlton	Leith	Phillips
Baker	Cowan	Miller	Prestwood
Bedsole	Espy	Moore	Rogers (Sumter)
Briscoe	Harper	Morris	Sims
Brown	Huddleston	Nance	Tally
Butler	Kelly	Norwood	West

—24

*Nays:*

Messrs:

Carmichael	Ellis	Evins	Gunter
Craft			

—5

Mr. Briscoe offered the following amendment to said bill, to-wit:

Amend section 1 by striking out the words: "Its passage" and inserting instead thereof the words: "The 1st day of September, 1919."

Mr. Acker moved that the bill and amendments be made a special paramount order for 12 o'clock tomorrow.

Mr. Brown moved to table the motion made by Mr. Acker, which motion was lost.

Yeas, 11; Nays, 19.

*Yeas:*

Messrs:

Baker	Espy	Leith	Norwood
Brown	Harper	Morris	Rogers (Sumter)
Cowan	Huddleston	Nance	—11

*Nays:*

Messrs:

Acker	Carlton	Gunter	Prestwood
Beale	Carmichael	Kelly	Sims
Bedsole	Craft	Miller	Tally
Briscoe	Ellis	Moore	West
Butler	Evins	Phillips	—19

And the motion made by Mr. Acker was then adopted, and said bill and the amendments thereto were made a special paramount order for 12 o'clock tomorrow.

The bill:

By Mr. Harper (with substitute):

S. 95. To amend sections 2 and 3 of an act entitled "An act to establish a board of revenue for Shelby county, and to abolish the court of county commissioners thereof," passed at the session of 1911, being in Local Acts of Alabama, page 154, said amendment making the president and members of said board elective by the qualified voters of said county, and fixing the term of office of said president and members of said board and the time of their election and providing that in case of a vacancy in the office of president or a member of said board, the vacancy shall be filled by election by a majority of the members of the board, for the unexpired term; and providing further that the president and members of the board now holding office shall hold their said office until their successors are elected and qualified under the provisions of this act.

Was taken up.

Mr. Sims moved that the bill and substitute offered by the committee be re-committed to the Standing Committee on Judiciary, which motion was lost.

The following substitute offered by the Standing Committee on Judiciary, to-wit:

#### A BILL

To be entitled an act to amend sections 2 and 3 of an act entitled "An act to establish a board of revenue for Shelby county and to abolish the court of county commissioners thereof," passed at the session of 1911, being in Local Acts of Alabama, page 154,



said amendment making the president and members of said board elective by the qualified voters of said county, and fixing the term of office of said president and members of said board and the time of their election and providing that in case of a vacancy in the office of president or a member of said board, the vacancy shall be filled by election by a majority of the members of the board, for the unexpired term; and providing further that the president and members of the board now holding office shall hold their said office until their successors are elected and qualified under the provisions of this act.

Be it enacted by the Legislature of Alabama:

1. That section 2 of said act be amended so as to read as follows: "2. The president of said board shall be elected as herein-after provided by the qualified electors of said county, and one member shall be elected by the qualified voters of each of the four districts of the county as now constituted.

2. That section 3 of said act be amended so as to read as follows: "3. On the fifth Monday after the approval of this act, the president and members of said board for districts 2 and 4, shall be elected at a special election to be held for said county, as provided in this act, and shall hold office from the 24th day of April, 1919, and until the general election to be held for said county on the first Tuesday after the first Monday in November, 1922, and until their successors are elected and qualified, and in like manner their successors shall be elected every four years thereafter, at the general election to be held for said county, for a term of four years; the first members for districts 1 and 3 shall be elected at the general election held for said county in the year 1920, for a term of four years from the 24th of April, 1921, and until their successors are elected and qualified, and in like manner, their successors shall be elected every four years thereafter at the general election to be held for said county for a term of four years; provided, the president and members of the board now holding office shall hold their said office until their successors are elected and qualified under the provisions of this act. Said special election hereinabove referred to shall be ordered by the probate judge of said county of Shelby, Alabama, who must issue writ of election to the sheriff of said county, which said writ must specify the day on which said election is to be held, and the cause and object of same, and upon receipt of such writ of election the sheriff of said county must immediately give notice by proclamation of the time, place and object of said election as provided by law; and said special election shall be held and conducted, the expenses thereof paid, the returns thereof made, and certificate given in all respects as provided in relation to general elections.

Was adopted.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs:

Acker	Carlton	Leith	Prestwood
Baker	Carmichael	Miller	Rogers (Sumter)
Beale	Craft	Moore	Sims
Bedsole	Ellis	Morris	Smith (Coosa)
Briscoe	Harper	Nance	Tally
Brown	Huddleston	Norwood	West
Butler	Kelly	Phillips	

—27

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 31; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Huddleston	Phillips
Baker	Cowan	Kelly	Prestwood
Beale	Craft	Leith	Rogers (Sumter)
Bedsole	Ellis	Miller	Sims
Briscoe	Espy	Moore	Smith (Coosa)
Brown	Evins	Morris	Tally
Butler	Gunter	Nance	West
Carlton	Harper	Norwood	

—31

*Nays:*—None.

The bill:

H. 163. To amend section 5 of an act to amend sections 6006, 1657, 1664 and 1669 of the Code so as to regulate the publishing of the reports of the supreme court, court of appeals, acts, journals, and public printing, approved September 22, 1915.

Was read a third time at length and passed.

Yeas, 30; Nays, 1.

*Yeas:*

Messrs:

Acker	Carmichael	Huddleston	Nance
Baker	Cowan	Kelly	Norwood
Beale	Craft	Leith	Prestwood
Bedsole	Ellis	Miller	Rogers (Sumter)
Briscoe	Espy	Moore	Sims
Brown	Evins	Morris	Tally
Butler	Gunter	McDowell	West
Carlton	Harper		

—30

*Nays:*

Mr. Phillips—1.

The bill:

H. 206. To authorize the court of county commissioners of Escambia county, Alabama, to support the paupers in the county without sending all of them to the poor house.

Was read a third time at length and passed.

Yeas, 32; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Huddleston	Norwood
Baker	Cowan	Kelly	Phillips
Beale	Craft	Leith	Prestwood
Bedsole	Ellis	Miller	Rogers (Sumter)
Briscoe	Espy	Moore	Sims
Brown	Evins	Morris	Smith (Coosa)
Butler	Gunter	McDowell	Tally
Carlton	Harper	Nance	West

—32

*Nays:*—None.

The bill:

H. 126. To abolish the county court of Coffee county and the the offices pertaining thereto.

Was read a third time at length and passed.

Yeas, 31; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Huddleston	Phillips
Baker	Cowan	Kelly	Prestwood
Beale	Craft	Leith	Rogers (Sumter)
Bedsole	Ellis	Miller	Sims
Briscoe	Espy	Moore	Smith (Coosa)
Brown	Evins	Morris	Tally
Butler	Gunter	Nance	West
Carlton	Harper	Norwood	

—31

*Nays:*—None.

The bill:

S. 178. To amend section 6207 of the Code of 1907.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 30; Nays, 0.

*Yeas:*

Messrs:

Acker	Brown	Craft	Harper
Baker	Butler	Ellis	Huddleston
Beale	Carlton	Espy	Kelly
Bedsole	Carmichael	Evins	Leith
Briscoe	Cowan	Gunter	Miller

Morris  
Nance  
Norwood

Phillips  
Prestwood  
Rogers (Sumter)

Sims  
Smith (Coosa)

Tally  
West

—30

*Nays*:—None.

The bill:

S. 169. To amend subdivision 1 of section 3446 of the Code of Alabama, 1907.

Was read a third time at length and passed.

Yeas, 31; Nays, 0.

*Yeas*:

Messrs:

Acker  
Baker  
Beale  
Bedsole  
Briscoe  
Brown  
Butler  
Carlton

Carmichael  
Cowan  
Craft  
Ellis  
Espy  
Evins  
Harper  
Huddleston

Kelly  
Leith  
Miller  
Moore  
Morris  
McDowell  
Nance  
Norwood

Phillips  
Prestwood  
Rogers (Sumter)  
Sims  
Smith (Coosa)  
Tally  
West

—31

*Nays*:—None.

#### RESOLUTION.

Mr. Prestwood offered the following resolution:

S. J. R. 51. Be it resolved by the Senate, the House concurring, that a joint committee of the Senate and House be appointed by the Lieutenant Governor and the Speaker of the House of Representatives to consist of two Senators and three Representatives, the members of the Senate to be appointed by the Lieutenant Governor and the members of the House to be appointed by the Speaker of the House. It shall be the duty of such committee to hold its sessions during the recess of the Legislature at Montgomery, Ala., to investigate the question or questions pertaining to a fair representation of the various counties and senatorial districts in the Senate and House of Representatives of this State and to prepare and present to the Legislature upon the first day of the adjourned session such bill or bills as will be necessary for a fair, just and equitable apportionment of the representation of the various counties and senatorial districts in the Senate and House of Representatives in this State in accordance with sections 199, 200 and 201 of the Constitution of Alabama.

Be it further resolved, that the members of the committee, while in session, shall be paid the same mileage and per diem as is provided for members of the Legislature and to be paid in the same manner as members of the Legislature are paid.

Which was read and referred to the Standing Committee on Rules.

# BILLS ON THIRD READING RESUMED.

The bill:

S. 155. To amend section 1217 of the Code of 1907.

Was read a third time at length and lost.

Yeas, 10; Nays, 14.

Yeas:

Messrs:

Baker	Craft	Moore	Prestwood	
Butler	Gunter	Morris	Tally	
Carlton	Harper			—10

Nays:

Messrs:

Acker	Carmichael	Evins	Norwood	
Beale	Cowan	Miller	Phillips	
Bedsole	Ellis	Nance	West	
Briscoe	Espy			—14

The bill:

S. 138. To amend section 1 of an act entitled an act to amend sections 3615 and 3625 of the Code of Alabama, 1907, approved February 28, 1911.

Was read a third time at length and passed.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Huddleston	Phillips	
Baker	Cowan	Kelly	Prestwood	
Beale	Craft	Miller	Rogers (Sumter)	
Bedsole	Ellis	Moore	Sims	
Briscoe	Espy	Morris	Smith (Coosa)	
Brown	Evins	McDowell	Tally	
Butler	Gunter	Nance	West	
Carlton	Harper	Norwood		—31

Nays:—None.

# ADJOURNMENT.

At 5:35 o'clock P. M., on motion of Mr. Morris, the Senate adjourned until 10 o'clock tomorrow morning.

## NINETEENTH DAY.

Friday, February 14, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

## PRAYER.

By Rev. Dr. Stakely of Montgomery.

## ROLL CALL.

Present:

Mr. President and

Messrs:

Acker

Baker

Beale

Bedsole

Briscoe

Brown

Butler

Carlton

Carmichael

Cowan

Craft

Ellis

Espy

Evins

Gunter

Harper

Huddleston

Kelly

Leith

Miller

Moore

Morris

McDowell

Nance

Norwood

Phillips

Prestwood

Rogers (Sumter)

Sims

Smith (Coosa)

Tally

West

—32

## JOURNAL.

On motion of Mr. Bedsole, the reading of the Journal of yesterday was dispensed with and same was approved by the Senate.

## INTRODUCTION OF BILL.

Upon a call of districts the following bill was introduced and read one time and referred to appropriate standing committee as follows:

By Mr. Sims:

S. 208. To create in the department of agriculture and industries a division devoted to the deaf; to provide for the appointment of a competent deaf man to take charge of such division; to enumerate his duties and authority and to provide for his compensation and for the expense of such department.

Finance and Taxation.

## REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable

report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McLeod:

H. 241. To abolish the office of deputy solicitor of Covington county, and to repeal all laws, general, special or local in conflict with the provisions of this act insofar as they relate to Covington county.

Mr. Butler, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Murphree:

H. 227. To require all State officers and employees traveling at the expense of the State, to file a verified, itemized statement of expenses, with vouchers attached before warrants issue therefor, and to provide that where the law provides for a certain sum for traveling expenses, the same shall not be paid unless actually expended.

Mr. West, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Crump of St. Clair:

H. 222. To repeal an act of the Legislature of Alabama entitled "An act to provide a more efficient system for opening, building, changing, constructing and working the public roads of St. Clair county. A board of road commissioners provide for, their appointment, how made. Vacancies, how filled. Organization of such board, duties of the chairman, duties of the secretary-treasurer. Itemized account of receipts and disbursements to be published. Oath of office and bond to be given. Salaries provided for. Impeachment of the members of the board, how done. Authority, duties and powers of the board of road commissioners. Meetings, when and where held. Adoption of new laws, rules and regulations concerning the public roads, etc., and publication of same provided for. No person other than those sentenced to hard labor for the county shall be compelled to work on the public roads, etc. Per capita tax for road purposes provided for. Method of collecting the same to be provided by the board. Alphabetical list of those liable to such tax to be kept by beats. No exemption of property from payment of per capita tax. May be discharged by work under direction of the board.

Misdemeanor to fail to pay such tax or to work eight days. Trials in name of State. Any person failing or refusing to discharge duties imposed guilty of misdemeanor. Penalties provided. Misdemeanor to violate the rules and regulations, etc., adopted by the board. Penalty for same. Court of county commissioners to levy special taxes for road purposes, how assessed and collected. Surplus in county treasury may be transferred to the board. Disposition of funds in hands of treasurer of board. Proceeds arising from bond issue, to be handled by such board. Condemnation proceedings provided. All rights, powers, duties, etc., on commissioners court with reference to public roads, etc., now conferred by general law of State available and applicable to such board of road commissioners. Repeal clause." Approved March 7th, 1911. (Local Acts, 1911, pages 78-89, inc.)

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and resolution, and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Van de Graff:

H. 334. To authorize the employment of pages and messengers of the House of Representatives and Senate and prescribe their qualifications.

By Mr. Prestwood:

S. J. R. 51½. Relative to appointment of a joint recess committee to investigate the question pertaining to a fair representation of the various counties and senatorial districts in the Senate and House of Representatives of this State.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bills, your signature thereto is requested:

H. 286. To amend section 3513 of the Code of Alabama.

Also:

H. 285. To amend an act entitled, "An act to further prescribe and regulate the right and manner of taking appeals in civil and criminal cases and their submission in the supreme court and court of appeals," approved September 22, 1915.

Also:

H. 207. To authorize officers of Escambia county to record and provide suitable books for recording abstracts of title to any parcel or tract of land in said county and to fix the charges for reimbursing the cost of the same.

Fred H. Gormley,  
Clerk.



## SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

H. 286. To amend section 3513 of the Code of Alabama.

Also:

H. 285. To amend an act entitled, "An act to further prescribe and regulate the right and manner of taking appeals in civil and criminal cases and their submission in the supreme court and court of appeals," approved September 22, 1915.

Also:

H. 207. To authorize officers of Escambia county to record and provide suitable books for recording abstracts of title to any parcel or tract of land in said county and to fix the charges for reimbursing the cost of the same.

## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bills, your signature thereto is requested:

H. 201. To make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, and for the interest on the public debt, and for the public schools for that part of the fiscal year beginning April 1, 1919, and ending September 30, 1919.

Also:

H. 261. To fix the compensation of members of the courts of county commissioners and boards of revenue in all counties having a population of not less than twenty-four thousand seven hundred (24,700) and not more than twenty-five thousand (25,000) according to the Federal census of 1910 and provide for payment of same.

Also:

H. 200. To provide for the acceptance of the benefits of an act passed by the Senate and House of Representatives of the United States of America, in Congress assembled, to provide for the promotion of vocational education, to provide for the appointment of a State board for vocational education, and to provide for the duties thereof; and to make appropriations for vocational education.

Also:

H. 178. To provide for the incorporation of societies of persons seeking to promote the development or betterment of communities, municipalities or counties in the State or other public purposes, without pecuniary profit to the individual members; and to exempt the property of such societies from taxation.

Fred H. Gormley,  
Clerk.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

H. 201. To make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, and for the interest on the public debt, and for the public schools for that part of the fiscal year beginning April 1, 1919, and ending September 30, 1919.

Also:

H. 261. To fix the compensation of members of the courts of county commissioners and boards of revenue in all counties having a population of not less than twenty-four thousand seven hundred (24,700) and not more than twenty-five thousand (25,000) according to the Federal census of 1910 and provide for payment of same.

Also:

H. 200. To provide for the acceptance of the benefits of an act passed by the Senate and House of Representatives of the United States of America, in Congress assembled, to provide for the promotion of vocational education, to provide for the appointment of a State board for vocational education, and to provide for the duties thereof; and to make appropriations for vocational education.

Also:

H. 178. To provide for the incorporation of societies of persons seeking to promote the development or betterment of communities, municipalities or counties in the State or other public purposes, without pecuniary profit to the individual members; and to exempt the property of such societies from taxation.

#### REPORT FROM RULES COMMITTEE.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the follow-

ing joint resolution and ordered the same returned to the Senate without recommendation, to-wit:

S. J. R. 51½. Relative to appointment of a joint recess committee to investigate the question pertaining to a fair representation of the various counties and senatorial districts in the Senate and House of Representatives of this State.

And moved that said resolution be placed on the calendar, which motion prevailed and said resolution was read a second time and placed on the calendar for a third reading on tomorrow.

#### RESOLUTIONS.

Mr. Rogers of Sumter offered the following joint resolution:

S. J. R. 51. Resolved by the Senate, the House concurring, the House is requested to return to the Senate House bill No. 105 to correct an error.

Which was, under a suspension of the rules, adopted.

Mr. Leith offered the following joint resolution:

S. J. R. 52. Be it resolved by the Senate, the House concurring, that all of the recess committees of the Legislature from both houses shall be paid the same per diem as members of the Legislature are now paid and their actual traveling expenses while engaged in the performance of their duties as such committeemen and the same shall be paid upon a certificate of the chairman of said committee.

And Mr. Leith moved that the rules be dispensed with and said resolution put upon its passage, which motion prevailed, and said resolution was adopted under a suspension of the rules.

Yeas, 31; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Huddleston	Phillips
Baker	Cowan	Kelly	Prestwood
Beale	Craft	Leith	Smith (Coosa)
Bedsole	Ellis	Miller	Rogers (Sumter)
Briscoe	Espy	Moore	Sims
Brown	Evins	Morris	Tally
Butler	Gunter	McDowell	West
Carlton	Harper	Nance	

—31

*Nays:*—None.

And ordered sent forthwith to the House without engrossment.

Mr. Miller offered the following joint resolution:

S. J. R. 53. Whereas, the chairman of the Committee on Revision of Laws of the Senate was sick and unable to attend the meetings of his committee for two weeks; and,

Whereas, he had appointed a clerk for said committee, but on account of sickness the clerk was unable to attend; and,

Whereas, the duties of such two weeks as clerk of such committee was performed by J. E. Speight, who has not yet received any compensation for such services.

Be it resolved by the Senate, the House concurring, that the said J. E. Speight be paid for his services to said committee the same per diem as said clerk who was sick would have received if he had been present. To be paid on the certificate of the secretary of the Senate.

Mr. McDowell moved that the rules be suspended and said resolution adopted, which motion prevailed and said resolution was, under a suspension of the rules, adopted and ordered sent forth-with to the House without engrossment.

Yeas, 32; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Huddleston	Norwood
Baker	Cowan	Kelly	Phillips
Beale	Craft	Leith	Prestwood
Bedsole	Ellis	Miller	Rogers (Sumter)
Briscoe	Espy	Moore	Sims
Brown	Evins	Morris	Smith (Coosa)
Butler	Gunter	McDowell	Tally
Carlton	Harper	Nance	West

—32

*Nays:*—None.

Mr. Phillips offered the following resolution:

S. R. 54. Be it resolved, that the educational commission be and is hereby directed to furnish each Senator of this Senate with a copy of the educational commission report, when made, but not later than the 1st day of July, 1919.

And moved a suspension of the rules and the adoption of said resolution, which motion prevailed, and the resolution was, under a suspension of the rules, adopted by the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in S. J. R. 30, relative to memorializing Congress to appropriate \$250,000.00 for the spread and elimination of Spanish influenza.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills, beg leave to report, that said committee, in session, have examined and compared the following engrossed bills with the originals and find same correctly engrossed, to-wit:

S. 138. To amend section 1 of an act entitled an act to amend sections 3615 and 3625 of the Code of Alabama, 1907, approved February 28, 1911.

S. 169. To amend subdivision 1 of section 3446 of the Code of Alabama, 1907.

R. B. Evins,  
Chairman.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in S. J. R. 51 relative to the return of House bill N. 105 to the Senate, and herewith returns said bill to the Senate.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## RECONSIDERATION OF VOTE.

Mr. Rogers of Sumter moved that the vote by which the Senate passed, on yesterday

H. 105. To provide for the control of venereal diseases by an ante-nuptial physical examination of men, which shall be done within fifteen days before granting marriage license, fixing penalties for noncompliance.

be reconsidered, which motion prevailed.

And Mr. Rogers also moved that the vote by which said bill was ordered to a third reading, be reconsidered, which motion prevailed and Mr. Rogers further moved that the vote by which the Senate amendments to said bill were adopted on yesterday be reconsidered, which motion prevailed, and Mr. Rogers of Sumter then offered the following amendment to said bill, to-wit:

Amend by striking out the words in Sec. 2 "If said applicant should be indigent."

Amend by adding to Sec. 2 the following words:

"The charge for such an examination shall in no case exceed five dollars."

Which was adopted.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs:

Baker	Craft	Kelly	Phillips
Beale	Ellis	Leith	Rogers (Sumter)
Bedsole	Espy	Miller	Sims
Briscoe	Evins	Moore	Smith (Coosa)
Butler	Gunter	Morris	Tally
Carmichael	Harper	McDowell	West
Cowan	Huddleston	Nance	

—27

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; Nays, 3.

*Yeas:*

Messrs:

Beale	Ellis	Miller	Phillips
Bedsole	Espy	Moore	Prestwood
Butler	Gunter	Morris	Rogers (Sumter)
Carlton	Harper	McDowell	Sims
Carmichael	Kelly	Nance	Smith (Coosa)
Craft	Leith	Norwood	West

—24

*Nays:*

Messrs:

Baker	Evins	Tally
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—3

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in S. J. R. 53, relative to the payment of J. E. Speight for services as clerk of the Standing Committee on Revision of Laws of the Senate.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills beg leave to report, that said committee, in session, have compared the following enrolled bills, with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

S. 10. To appropriate the sum of seventy thousand (\$70,000) dollars for the payment of the amounts due by the State to the sheriffs of the counties in the State for feeding prisoners in the county jails during the fiscal years 1916 and 1917, and which are unpaid.

S. 143. To create the office of assistant clerk of the inferior criminal court of Mobile county, prescribe his or her duties, fix his or her salary and provide for the method of selection for said office.

S. 65. To protect wild fur-bearing animals; to provide a season during which they may be legally trapped or taken; to provide a license for those engaged in trapping wild fur-bearing animals; and to provide penalties for the violation of this act.

S. 151. To amend section two of an act "To regulate the practice of veterinary medicine and surgery in the State of Alabama and establish a veterinary medical examining board," approved March 17, 1915.

S. 181. To amend an act entitled an act "To provide for and regulate the manufacture and sale of "commercial feeding stuffs" in Alabama; to further provide for the registration, tagging, sampling, and analyzing "commercial feeding stuffs" and to fix penalties for violations of this act," so as to regulate the sale of "commercial feeding stuffs;" to define the same, and to prohibit the adulteration thereof, to provide for their correct weight, sampling, analyses, and marketing; to authorize the commissioner of agriculture and industries to prescribe rules and regulations for carrying out the provisions of this act; to establish in the department of agriculture and industries, a division of foods, feeds, and drugs, to be charged with the execution of this act; to authorize the commissioner of agriculture and industries to appoint an assistant as supervisor of said division, and to appoint other necessary clerical assistants; to provide for the payment of salaries and expenses out of funds accruing hereunder; and to fix penalties for violation of this act.

S. 182. To authorize and empower the governor of Alabama to make and publish rules and regulations for the reorganization of the National Guard in conformity to acts of Congress relating to the National Guard; to authorize the governor to take necessary steps towards procuring aid, equipment and appropriations from the Federal government for the National Guard.

S. 180. To regulate inferior courts or courts of common pleas, or by whatsoever name the same is known and called, in cities having as many as thirty-five thousand, and less than fifty thousand population, according to the last or any subsequent Federal census; to provide and define the jurisdiction and powers of such courts; to provide for the judges and officers of such courts, and their powers, duties and compensation and to fix the fees and costs for such courts; to provide the rules of procedure for such courts, and for the operation thereof; and to provide for registering, and a lien for its judgments; and to abolish justices of the peace in such cities.

S. 102. To provide for the consolidation of corporations not of a business character.

S. 123. To create a county highway commission for Walker county, Alabama, and to define the powers and duties thereof.

S. 94. To authorize the governor to make a temporary appointment to fill a vacancy in the office of Senator from the State of Alabama in the Senate of the United States.

S. 122. To provide that municipal corporations shall have a lien on the property used in any exhibition, trade, business, vocation, occupation or profession, for which a license is required, and to provide for the enforcement of such lien.

Chas. McDowell, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

S. 10. To appropriate the sum of seventy thousand (\$70,000) dollars for the payment of the amounts due by the State to the sheriffs of the counties in the State for feeding prisoners in the county jails during the fiscal years 1916 and 1917, and which are unpaid.

S. 143. To create the office of assistant clerk of the inferior criminal court of Mobile county, prescribe his or her duties, fix his or her salary and provide for the method of selection for said office.

S. 65. To protect wild fur-bearing animals; to provide a season during which they may be legally trapped or taken; to provide a license for those engaged in trapping wild fur-bearing animals; and to provide penalties for the violation of this act.

S. 151. To amend section two of an act "To regulate the practice of veterinary medicine and surgery in the State of Alabama and establish a veterinary medical examining board," approved March 17, 1915.

S. 181. To amend an act entitled an act "To provide for and regulate the manufacture and sale of 'commercial feeding stuffs' in Alabama; to further provide for the registration, tagging, sampling and analyzing 'commercial feeding stuffs' and to fix penalties for violations of this act," so as to regulate the sale of "commercial feeding stuffs;" to define the same, and to prohibit the adulteration thereof, to provide for their correct weight,



sampling, analyses, and marketing; to authorize the commissioner of agriculture and industries to prescribe rules and regulations for carrying out the provisions of this act; to establish in the department of agriculture and industries a division of foods, feeds and drugs, to be charged with the execution of this act; to authorize the commissioner of agriculture and industries to appoint an assistant as supervisor of said division, and to appoint other necessary clerical assistants; to provide for the payment of salaries and expenses out of funds accruing hereunder; and to fix penalties for violation of this act.

S. 182. To authorize and empower the governor of Alabama to make and publish rules and regulations for the reorganization of the National Guard in conformity to acts of Congress relating to the National Guard; to authorize the governor to take necessary steps towards procuring aid, equipment and appropriations from the Federal government for the National Guard.

S. 180. To regulate inferior courts or courts of common pleas, or by whatsoever name the same is known and called, in cities having as many as thirty-five thousand, and less than fifty thousand population, according to the last or any subsequent Federal census; to provide and define the jurisdiction and powers of such courts; to provide for the judges and officers of such courts, and their powers, duties and compensation and to fix the fees and costs for such courts; to provide the rules of procedure for such courts, and for the operation thereof; and to provide for registering, and a lien for its judgment; and to abolish justices of the peace in such cities.

S. 102. To provide for the consolidation of corporations not of a business character.

S. 123. To create a county highway commission for Walker county, Alabama, and to define the powers and duties thereof.

S. 94. To authorize the governor to make a temporary appointment to fill a vacancy in the office of Senator from the State of Alabama in the Senate of the United States.

S. 122. To provide that municipal corporations shall have a lien on the property used in any exhibition, trade, business, vocation, occupation or profession, for which a license is required, and to provide for the enforcement of such lien.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed:

S. 68. Relating to dependent, neglected, or delinquent children in all counties of Alabama which have a population of as

many as one hundred and fifty thousand people according to the last Federal census, or which shall have such population according to any such census that may be taken hereafter; to define who are dependent, neglected or delinquent children; to declare that such children shall be wards of the State; to provide for their custody, discipline, supervision, care, protection, guardianship and welfare; to create and establish in such counties juvenile courts, and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction, under the terms of this act, to try and determine the question of the dependency, neglect or delinquency of children in such counties, and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training; and generally to confer upon such courts jurisdiction and power to try and determine all questions arising under the terms of this act, or which may be otherwise referred to them by law, for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this act; to provide for the trial and punishment of those who aid, abet, cause, connive at, or contribute to the dependency, neglect, or delinquency of such children; to provide and regulate the procedure in such cases, and to confer power upon such courts to make such rules and regulations and to devise such forms, where not otherwise provided for under the terms of this act, as shall be found necessary or convenient to the exercise of its jurisdiction, or which shall be necessary or convenient for the conduct of the county shelter, or parental school, or for the conduct of probation officers, or their work as provided for in this act; to provide for the taking and enforcement of recognizances and bonds, and for the taking of appeals from the decisions of such courts; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent under the terms of this act; to provide for the establishment and maintenance of a detention home, or parental school, and for the appointment and compensation of probation officers; to provide for the appointment of a referee or referees and to define their power and duties; to provide for the appointment of an advisory board to such courts, and to define the duties and powers of such boards; to provide for the appointment of the judge and other officers of such courts and to define their powers and duties and provide for their compensation; to declare that should any part of this act be found to be unconstitutional that it shall not affect the remain-

der thereof, and to provide for the repeal of all laws in conflict with this act.

And returns same to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Bedsole, the Senate non-concurred in the following amendment by the House to Senate bill No. 68, the title of which is set out in the foregoing message from the House, to-wit:

To amend Senate bill No. 68:

By striking out the figures or words "thirty-six hundred" wherever the same appear therein, and insert in lieu thereof the figures \$3,000.00.

And requests the House to recede from its amendment to said bill.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bills, your signature thereto is requested:

H. 126. To abolish the county court of Coffee county and the offices pertaining thereto.

Also:

H. 163. To amend section 5 of an act to amend sections 6006, 1657, 1664 and 1669 of the Code so as to regulate the publishing of the reports of the supreme court, court of appeals, acts, journals, and public printing, approved September 22, 1915.

Also:

H. 206. To authorize the court of county commissioners of Escambia county, Alabama, to support the paupers in the county without sending all of them to the poor house.

Also:

H. 162. To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads and bridges of Fayette county, Alabama; to define the duties and powers of the court of county commissioners, or other governing body of Fayette county with regard of the same; to fix penalties for the violations of the rules, regulations and laws of the court of county commissioners or other like governing body of said county; to provide for the better building, maintenance and protection of the public roads and bridges of Fayette county; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect; to provide for the more efficient working, construction and repair of the public roads and bridges

in Fayette county, Alabama; to provide for the appointment of road supervisors in the several precincts in the county, and to fix their compensation and define their duties and powers; to provide for a commutation fee in lieu of working the roads; to provide for the levy of special tax of five per cent of one-fourth of one per centum now allowed by law on all taxable property, to be used exclusively for maintaining and repairing public roads and bridges in Fayette county; to create a separate and special road fund for said county, and to prevent obstruction and damage to the public roads and bridges of said county.

Fred H. Gormley,  
Clerk.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

H. 126. To abolish the county court of Coffee county and the offices pertaining thereto.

Also:

H. 163. To amend section 5 of an act to amend sections 6006, 1657, 1664 and 1669 of the Code so as to regulate the publishing of the reports of the supreme court, court of appeals, acts, journals, and public printing, approved September 22, 1915.

Also:

H. 206. To authorize the court of county commissioners of Escambia county, Alabama, to support the paupers in the county without sending all of them to the poor house.

Also:

H. 162. To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads and bridges of Fayette county, Alabama; to define the duties and powers of the court of county commissioners, or other governing body of Fayette county with regard of the same; to fix penalties for the violations of the rules, regulations and laws of the court of county commissioners or other like governing body of said county; to provide for the better building, maintenance and protection of the public roads and bridges of Fayette county; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect; to provide for the more efficient working, construction and repair of the public roads and bridges in Fayette county, Alabama; to provide for the appointment of

road supervisors in the several precincts in the county, and to fix their compensation and define their duties and powers; to provide for a commutation fee in lieu of working the roads; to provide for the levy of special tax of five per cent of one-fourth of one per centum now allowed by law on all taxable property, to be used exclusively for maintaining and repairing public roads and bridges in Fayette county; to create a separate and special road fund for said county, and to prevent obstruction and damage to the public roads and bridges of said county.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 62. To change the date of the expiration of hunters' licenses from December 31st each year to September 30th each year, and to permit all persons to whom hunters' licenses have been issued for the calendar year 1919 to exchange such licenses during the month of September, 1919, for hunters' licenses expiring September 30, 1920, upon the surrender of the hunters licenses issued to them for the calendar year 1919; and allowing them a credit in the amount of one-fourth of the purchase price of such licenses.

S. 91. To authorize the court of county commissioners to establish private roads and to provide for their upkeep and payment of damages to landowners over whose land road passes.

S. 56. To regulate in part the time of trial of criminal cases.

S. 103. To revoke conditional and contingent appropriations heretofore made by the Legislature (except appropriations for the payment of pensions to Confederate veterans, and appropriations for the support of public schools made by act approved April 18, 1911) insofar as they remain unpaid at the time of the passage of this act and to repeal such existing appropriation acts insofar as the appropriations respectively remain unpaid.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 69. To regulate the practice of public accountancy by creating a State board of public accountancy, fixing its fees and emoluments; to prohibit the unlawful use of words, letters or other means of identification by unauthorized persons, as certified

public accountants under this act, and to provide penalties for the violation of its provisions.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House declines to accede to the request of the Senate, that the House recede from the House amendment to the bill:

S. 68. Relating to dependent, neglected, or delinquent children in all counties of Alabama which have a population of as many as one hundred and fifty thousand people according to the last Federal census, or which shall have such population according to any such census that may be taken hereafter; to define who are dependent, neglected or delinquent children; to declare that such children shall be wards of the State; to provide for their custody, discipline, supervision, care, protection, guardianship and welfare; to create and establish in such counties juvenile courts, and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction, under the terms of this act, to try and determine the question of the dependency, neglect or delinquency of children in such counties, and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training; and generally to confer upon such courts jurisdiction and power to try and determine all questions arising under the terms of this act, or which may be otherwise referred to them by law, for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this act; to provide for the trial and punishment of those who aid, abet, cause, connive at, or contribute to the dependency, neglect, or delinquency of such children; to provide and regulate the procedure in such cases, and to confer power upon such courts to make such rules and regulations and to devise such forms, where not otherwise provided for under the terms of this act, as shall be found necessary or convenient to the exercise of its jurisdiction, or which shall be necessary or convenient for the conduct of the county shelter, or parental school, or for the conduct of probation officers, or their work as provided for in this act; to provide for the taking and enforcement of recognizances and bonds, and for the taking of appeals from the decisions of such courts; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable

to the discipline provided for such delinquent under the terms of this act; to provide for the establishment and maintenance of a detention home, or parental school, and for the appointment and compensation of probation officers; to provide for the appointment of a referee or referees and to define their power and duties; to provide for the appointment of an advisory board to such courts, and to define the duties and powers of such boards; to provide for the appointment of the judge and other officers of such courts and to define their powers and duties and provide for their compensation; to declare that should any part of this act be found to be unconstitutional that it shall not affect the remainder thereof, and to provide for the repeal of all laws in conflict with this act.

And now asks for a committee of conference, on the disagreement of the two Houses, on the House amendment to the bill, and names on part of the House, Messrs. Arnold, Benners, and Ross a Committee of Conference.

And returns same to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Bedsole, the Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two houses on the House amendment to Senate bill 68, the title of which is set out in the foregoing message from the House, and the President of the Senate appointed as conferees on the part of the Senate, Messrs. West and Bedsole.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 141. To authorize and empower the governor to employ an expert accountant to make a complete statement of the State's finances, showing all unpaid warrants outstanding, unpaid bills and accounts and the resources for the payment of the same.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### CONSIDERATION OF SPECIAL ORDER.

The hour of 11 o'clock having arrived, the Senate proceeded to consider the special order for this hour, which was:

H. 283. To amend an act entitled "An act to amend an act entitled, 'An act to provide and create a commission form of

municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as twenty-five thousand and less than fifty thousand people, according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and recall from office, to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials and otherwise provide for the creation and maintenance of said commission form of government,' approved April 6th, 1911," passed over the governor's veto February 5th, 1915, by amending sections 9, 11, 14, 15, 21½, and 27½ thereof and by repealing sections 13 and 27 thereof, and by adding thereto an additional section.

And said bill was read a third time at length and passed.

Yeas, 30; Nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Kelly	Norwood
Baker	Craft	Leith	Prestwood
Beale	Ellis	Miller	Rogers (Sumter)
Bedsole	Espy	Moore	Sims
Brown	Evins	Morris	Smith (Coosa)
Butler	Gunter	McDowell	Tally
Carlton	Harper	Nance	West
Carmichael	Huddleston		

—30

*Nays:*—None.

#### BILLS ON THIRD READING.

The bill:

H. 262. To amend act number 411 approved September 10th, 1915, entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained.

Was taken up.

Mr. Tally offered the following substitute for said bill, to-wit:

#### SUBSTITUTE FOR HOUSE BILL NO. 262

A bill to be entitled an act to amend act No. 411, approved September 10th, 1915, entitled "An act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained.



Be it enacted by the Legislature of Alabama:

Section 1. That section 1, of Act No. 411, approved September 10th, 1915, entitled: "An act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained, be amended by adding thereto the following:

"Road No. 10. That certain road described as beginning at Wetumpka and extending in a northerly direction to Equality and to Goodwater" said words to follow next after the words: "Rockford to Sylacauga" in the description of road No. 10.

Mr. Smith of Coosa moved that the substitute offered by Mr. Tally be laid on the table, which motion was lost.

Yeas, 12; Nays, 12.

*Yeas:*

Messrs:			
Bedsale	Carmichael	Morris	Rogers (Sumter)
Briscoe	Espy	Phillips	Smith (Coosa)
Butler	Leith	Prestwood	West

—12

*Nays:*

Messrs:			
Acker	Carlton	Gunter	Norwood
Baker	Ellis	Huddleston	Sims
Beale	Evins	Miller	Tally

—12

Said vote being a tie, the Lieutenant Governor and President of the Senate voted Nay.

Pending the further consideration of said bill and substitute,

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bill, your signature thereto is requested:

H. 283. To amend an act entitled "An act to amend an act entitled 'An act to provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as twenty-five thousand and less than fifty thousand people, according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and recall from office, to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials and otherwise provide for the creation and maintenance of said commission form of government,' approved April 6th, 1911," passed February 5th, 1915, by amending sections 9, 11,

14, 15, 21½, and 27½ thereof, by repealing sections 13 and 27 thereof, and by adding thereto an additional section.

Fred H. Gormley,  
Clerk.

#### SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the **Secretary of the Senate**, signed the following bill:

H. 283. To amend an act entitled "An act to amend an act entitled 'An act to provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as twenty-five thousand and less than fifty thousand people, according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and recall from office, to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials and otherwise provide for the creation and maintenance of said commission form of government,' approved April 6th, 1911," passed February 5th, 1915, by amending sections 9, 11, 14, 15, 21½, and 27½ thereof, by repealing sections 13 and 27 thereof, and by adding thereto an additional section.

#### RECESS.

At 12:55 P. M., on motion of Mr. Prestwood, the Senate took a recess until 2:30 o'clock this afternoon.

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#### AFTERNOON SESSION.

Friday, February 14th, 1919.

The Senate re-assembled at 2:30 o'clock P. M., Lieutenant Governor Miller presiding.

#### ROLL CALL.

On a call of the roll 22 members answered to their names, a quorum of the Senate.

## PRIVILEGES OF THE FLOOR.

On motion of Mr. Acker, the privileges of the floor were extended to Hon. J. T. Stokely of Birmingham for today.

## REPORT OF COMMITTEE.

Mr. West, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Carnley:

H. 199. To prohibit the commissioners court of Coffee county from imposing on, or collecting from the owners of vehicles used upon the public roads of said county a vehicle license tax; and to repeal section 13 of an act of the Legislature of 1915, approved September 22, 1915 (General Acts of 1915, pp. 573) so far as the provisions thereof apply to said county of Coffee.

By Mr. Carnley:

H. 127. To empower and direct the court of county commissioners, or board of revenue of Coffee county, to pay for the publication of notices of intention to apply for certain local laws applicable to entire county, and when published by authority of member of Legislature of said county.

## RESOLUTION.

The resolution:

H. J. R. 58. Relative to the creation of a joint committee of the House and Senate to sit with the State budget commission during the recess period of the Legislature.

Was taken up.

Mr. Acker offered the following amendment to said resolution, to-wit:

Amend the resolution by striking therefrom the words "two from the House" and inserting in lieu thereof the words "three from the House."

And by striking therefrom the words "one from the Senate" and inserting in lieu thereof the words "two from the Senate."

Which was adopted.

And said resolution, as thus amended, was read a third time at length and adopted.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs:

Acker	Carlton	Harper	Nance
Beale	Craft	Kelly	Norwood
Bedsole	Ellis	Leith	Phillips
Briscoe	Espy	Moore	Sims
Brown	Evins	Morris	West
Butler	Gunter		

—22

*Nays:*—None.

Mr. Carmichael offered the following joint resolution:

**S. J. R. 55.** Whereas, no more important industrial activity, or business enterprise of more far reaching significance has ever been projected than the plants at Muscle Shoals, designed for the production of nitrate from the air for use in agriculture and industry, and

Whereas, the work has called for large expenditures in the construction of transportation facilities, the purchase of locomotives and other railway equipment, and the erection of modern and up-to-date buildings of the latest design, and provided with the latest types of machinery, and

Whereas, the demand for the product to be manufactured by the said plant is now more than ever in demand throughout the entire country, particularly by the agricultural interests, and

Whereas, nitrate secured through artificial agencies can be supplied to consumers at a lower price than has heretofore been possible, thus enabling the production of larger crops, and the reduction thereby of the high cost of living, and

Whereas, the active operation of the plants at Muscle Shoals will afford an opportunity for the employment of thousands of skilled and unskilled laborers, and will thereby serve materially to reduce the problems of unemployment following demobilization of the armies of the United States, now, therefore, be it

Resolved by the Senate of Alabama, the House concurring, that the President and the Secretary of War, and the Congress of the United States be memorialized, not only to continue the nitrate development at Muscle Shoals in this State, but also to make provision for all necessary enlargement and further development of such industry as may be necessary to the large interests involved.

2. That a copy of this resolution be forwarded by the governor under the great seal of the State of Alabama to the President the Secretary of War, and to the United States Senate and the House of Representatives.

3. That copies also be forwarded separately to the United States Senators and Representatives in Congress from Alabama.

And moved a suspension of the rules and that said resolution be put upon its immediate passage, which motion prevailed and said resolution was, under a suspension of the rules, adopted and ordered sent forthwith to the House without engrossment.

## UNFINISHED BUSINESS.

The Senate proceeded to consider the unfinished business of the morning session, which was:

H. 262. To amend act number 411 approved September 10th, 1915, entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained.

And the substitute therefor offered by Mr. Tally and set out in the morning session, upon consideration, said substitute was adopted.

Yeas, 16; Nays, 11.

*Yeas:*

Messrs:

Acker	Ellis	Kelly	Nance
Baker	Evins	Miller	Norwood
Beale	Gunter	Moore	Sims
Carlton	Huddleston	McDowell	Tally

—16

*Nays:*

Messrs:

Bedsole	Carmichael	Phillips	Smith (Coosa)
Briscoe	Espy	Prestwood	West
Butler	Leith	Rogers (Sumter)	

—11

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs:

Acker	Ellis	Miller	Prestwood
Baker	Espy	Moore	Rogers (Sumter)
Beale	Evins	Morris	Sims
Bedsole	Gunter	McDowell	Smith (Coosa)
Briscoe	Huddleston	Nance	Tally
Butler	Kelly	Norwood	West
Carmichael	Leith	Phillips	

—27

*Nays:*—None.

The bill:

H. 273. To fix the salary of tax assessors in the counties having a population of over 82,000 and not exceeding 100,000 ac-

cording to the last Federal census or any subsequent census, and allowances for clerical help in said offices, and to provide for payment thereof.

Was read a third time at length and passed.

Yeas, 31; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Kelly	Phillips
Baker	Cowan	Leith	Prestwood
Beale	Ellis	Miller	Rogers (Sumter)
Bedsole	Espy	Moore	Sims
Briscoe	Evins	Morris	Smith (Coosa)
Brown	Gunter	McDowell	Tally
Butler	Harper	Nance	West
Carlton	Huddleston	Norwood	

—31

*Nays:*—None.

The bill:

H. 268. To amend sections two, three and eight of an act approved September 22, 1915, "To amend article 31, chapter 41, of the Code of Alabama, 1907."

Was read a third time at length and passed.

Yeas, 31; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Kelly	Phillips
Baker	Craft	Leith	Prestwood
Beale	Ellis	Miller	Rogers (Sumter)
Bedsole	Espy	Moore	Sims
Briscoe	Evins	Morris	Smith (Coosa)
Brown	Gunter	McDowell	Tally
Butler	Harper	Nance	West
Carlton	Huddleston	Norwood	

—31

*Nays:*—None.

The bill:

H. 168. To amend section 1 of an act entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained, approved September 10, 1915.

Was taken up.

The following amendment offered by the Committee on Public Roads and Highways, to-wit:

Amend by inserting the following after paragraph 35:

36. Begin at the Walker county line near Eldridge, thence through Marion county, Alabama, by Texas, Winfield, Pearces

Mills, Hamilton, and Bexar, to State line of Mississippi at or near Spence Gap, following the Bankhead Highway as it runs through Marion county.

Was adopted.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs:

Acker	Butler	Leith	Phillips
Baker	Carmichael	Miller	Prestwood
Beale	Craft	Moore	Rogers (Sumter)
Bedsole	Ellis	McDowell	Sims
Briscoe	Harper	Nance	Tally
Brown	Huddleston	Norwood	West

—24

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs:

Acker	Carlton	Miller	Phillips
Baker	Carmichael	Moore	Prestwood
Beale	Craft	Morris	Rogers (Sumter)
Bedsole	Evins	McDowell	Smith (Coosa)
Briscoe	Harper	Nance	Tally
Brown	Huddleston	Norwood	West
Butler	Leith		

—26

*Nays:*—None.

The bill:

H. 240. To abolish the county court of Covington county, and to transfer all causes, paper and records of said county court into the circuit court of Covington county for determination and to repeal all laws general, special or local in conflict with the said act insofar as they relate to Covington county.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Miller	Prestwood
Baker	Craft	Moore	Rogers (Sumter)
Beale	Gunter	Morris	Sims
Bedsole	Harper	McDowell	Smith (Coosa)
Briscoe	Huddleston	Nance	Tally
Butler	Kelly	Norwood	West
Carlton	Leith	Phillips	

—27

*Nays:*—None.

The bill:

H. 143. To amend section 1436 of the Code of Alabama.  
Was read a third time at length and passed.

Yeas, 26; Nays, 1.

Yeas:

Messrs:

Acker	Carlton	Leith	Prestwood
Baker	Carmichael	Moore	Rogers (Sumter)
Beale	Craft	Morris	Sims
Bedsole	Evins	McDowell	Smith (Coosa)
Briscoe	Gunter	Nance	Tally
Brown	Harper	Norwood	West
Butler	Huddleston		

—26

Nays:

Mr. Phillips—1.

#### MESSAGE FROM THE GOVERNOR

*Gentlemen of the Senate:*

I am directed by the governor to hand you herewith for your consideration and confirmation appointment of trustees of the Alabama School for the Deaf and Blind at Talladega.

Respectfully,  
W. A. Darden,  
Secretary to the Governor.

February 14, 1919.

#### MESSAGE FROM THE GOVERNOR.

*Gentlemen of the Senate:*

According to the provisions of section 1935 of the Code of 1907, vacancies occurring in the offices of the trustees of the Alabama School for the Deaf and Blind, at Talladega, shall be filled by appointment of the governor, by and with the consent of the Senate.

I therefore report to you the appointment of the following trustees for the Alabama School for the Deaf and Blind:

Third Class:

T. M. Hobbs, Athens.

Alto V. Lee, Gadsden.

Richard W. Massey, Birmingham.

W. H. Boynton, Talladega.

I submit these appointments for your consideration and confirmation.

Respectfully,  
Thos. E. Kilby,  
Governor.

February 14, 1919.

#### GOVERNOR'S MESSAGE.

On motion of Mr. Craft, the appointment of the following trustees of the Alabama School for the Deaf and Blind was confirmed by the Senate, to-wit:



## Third Class:

T. M. Hobbs, Athens.

Alto V. Lee, Gadsden.

Richard W. Massey, Birmingham.

W. H. Boynton, Talladega.

Yeas, 29; Nays, 0.

## Yeas:

## Messrs:

Acker	Carmichael	Kelly	Norwood
Baker	Craft	Leith	Phillips
Beale	Ellis	Miller	Prestwood
Bedssole	Evins	Moore	Rogers (Sumter)
Briscoe	Gunter	Morris	Sims
Brown	Harper	McDowell	Tally
Butler	Huddleston	Nance	West
Carlton			

—29

Nays:—None.

## RESOLUTION.

Mr. Bedssole offered the following Senate resolution:

S. R. 56. Be it resolved, that the thanks of the Senate be tendered the Mobile Register for its kindness in furnishing the members of the Senate copies of that valuable paper during the time we have been in session, and for having same placed on the desk of the members each day, and

Resolved, further, that a copy of this resolution be sent to this paper by the Secretary of the Senate.

Which was, under a suspension of the rules, adopted.

The resolution:

H. J. R. 53. Requesting the secretary of state to communicate to the Legislature the exact number of volumes and the number of copies of each volume of the report of the Alabama court of appeals, printed in the years 1915, 1916, 1917 and 1918 respectively, together with the total cost paid the State printer for each volume, the number of copies of each volume sold to the public, the number of copies of each distributed under the law, and the number of copies of each on hand.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

## Yeas:

## Messrs:

Acker	Briscoe	Carmichael	Espy
Baker	Brown	Cowan	Evins
Beale	Butler	Craft	Gunter
Bedssole	Carlton	Ellis	Harper

Huddleston	Moore	Prestwood	Smith (Coosa)
Kelly	McDowell	Rogers (Sumter)	Tally
Leith	Norwood	Sims	West
Miller	Phillips		

—30

*Nays*:—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Orr:

H. J. R. 69. Resolved, by the House, the Senate concurring, that the governor be requested to forthwith return to the House, House joint resolution No. 60, together with the accompanying notice thereof.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Bedsole, House joint resolution No. 69, set out in the foregoing message from the House, was concurred in and adopted by the Senate.

#### BILLS ON THIRD READING RESUMED.

The bill:

H. 260. To fix the salary of the judge of the county court in all counties having a population of not less than twenty-four thousand, seven hundred (24,700) and not more than twenty-five thousand (25,000) according to the Federal census of 1910 and provide for the payment of same.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

*Yeas*:

Messrs:

Acker	Carmichael	Kelly	Norwood
Baker	Craft	Miller	Phillips
Beale	Ellis	Moore	Prestwood
Briscoe	Gunter	Morris	Sims
Brown	Harper	McDowell	Tally
Butler	Huddleston	Nance	West
Carlton			

—25

*Nays*:—None.

The bill:

H. 212. To amend the title and sections one (1), three (3), four (4), fifteen (15) and 29, and paragraphs B and D of section eight (8) of an act "To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire department of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of the officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to declare the said board of trustees the trustee of such fund; to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into said fund the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenues received from licenses issued by such cities; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such fund of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the city attorney and city physician in connection with said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of

laws in conflict herewith; to provide for the exemption of benefits out of said fund from levy; to provide the time of taking effect of this act," approved September 28, 1915.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs:

Acker	Carlton	Huddleston	Prestwood
Baker	Carmichael	Kelly	Rogers (Sumter)
Beale	Craft	Miller	Sims
Bedsoie	Ellis	Morris	Tally
Brown	Gunter	McDowell	West
Butler	Harper	Norwood	

—23

*Nays:*—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 161. To authorize the issue of the bonds of the State to the amount of nine hundred and fifty-four thousand dollars for the purpose of refunding the bonds of the State maturing January 1st, 1920, issued under and by virtue of an act approved February 22, 1887, entitled, "An act to authorize the issue of the bonds of the State to the amount of nine hundred and fifty-four thousand dollars for the purpose of paying, taking up and cancelling the bonds of the State bearing six per cent per annum, issued under an act approved February 13, 1879, to provide for funding the domestic debt of the State," as amended by act approved February 27, 1889, to prescribe the rate of interest the said bonds shall bear, to fix the maturity thereof and to provide for the sale thereof.

S. 130. To authorize and empower all municipal corporations which may have heretofore regularly issued bonds as provided by law for all or any of the purposes of constructing a wharf or wharves, and a landing or landings, and purchasing such real estate as may be necessary for such wharf or wharves, and landing or landings, and the equipping and furnishing of the same, and improving the water-front for such municipality and within its limits, and for the purpose of securing the complete use and enjoyment of all of said improvements for such municipality, to expend the proceeds of the sale of such bonds for any or all the purposes of constructing a wharf or wharves, and a landing or landings and acquiring such real estate as may be necessary for such wharf or wharves and landing or landings by purchase or by condemnation proceedings in the manner pro-

vided by article 1, chapter 70 of the Code of Alabama of 1907; and of the equipping and furnishing of the same and improving of the water-front for such municipality, outside of the limits as well as within its limits, and within five miles of the corporate limits of such municipality, as such limits are now or may hereafter be established, and for the purpose of securing for such municipality the complete use and enjoyment of all of said improvements whether within or without its limits, and to repeal all laws or parts of laws in conflict with this act.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### BILLS ON THIRD READING RESUMED.

The bill:

H. 189. To provide for the payment of the premium on bonds of county treasurers in counties which have one hundred and fifty thousand population, or over, according to the last Federal census, or any subsequent Federal census; to authorize such county treasurers to require bond from any assistant and provide for the payment of premium on such bond.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs:

Acker	Carlton	Harper	Prestwood
Baker	Carmichael	Huddleston	Rogers (Sumter)
Beale	Craft	Kelly	Sims
Bedsole	Ellis	Miller	Smith (Coosa)
Briscoe	Espy	Morris	Tally
Brown	Evins	McDowell	West
Butler	Gunter	Norwood	

—27

*Nays:*—None.

#### REPORT OF CONFERENCE COMMITTEE.

Mr. President:

Your Committee on Conference on Senate bill No. 68 beg leave to report, viz.:

Your committee recommend that the Senate concur in the amendment as passed in the House.

A. H. Benners,  
J. C. Arnold,  
Geo. Ross,  
House Committee.  
T. J. Bedsole,  
C. R. West,  
Senate Committee.

## CONFERENCE REPORT.

On motion of Mr. West, the Senate concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the House amendment to the bill:

S. 68. Relating to dependent, neglected, or delinquent children in all counties of Alabama which have a population of as many as one hundred and fifty thousand people according to the last Federal census, or which shall have such population according to any such census that may be taken hereafter; to define who are dependent, neglected or delinquent children; to declare that such children shall be wards of the State; to provide for their custody, discipline, supervision, care, protection, guardianship and welfare; to create and establish in such counties juvenile courts, and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction, under the terms of this act, to try and determine the question of the dependency, neglect or delinquency of children in such counties, and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training; and generally to confer upon such courts jurisdiction and power to try and determine all questions arising under the terms of this act, or which may be otherwise referred to them by law, for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this act; to provide for the trial and punishment of those who aid, abet, cause, connive at, or contribute to the dependency, neglect, or delinquency of such children; to provide and regulate the procedure in such cases, and to confer power upon such courts to make such rules and regulations and to devise such forms, where not otherwise provided for under the terms of this act, as shall be found necessary or convenient to the exercise of its jurisdiction, or which shall be necessary or convenient for the conduct of the county shelter, or parental school, or for the conduct of probation officers, or their work as provided for in this act; to provide for the taking and enforcement of recognizances and bonds, and for the taking of appeals from the decisions of such courts; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent under the terms of this act; to provide for the establishment and maintenance of a detention home, or parental school, and for the appointment and compensation of probation officers; to provide for the appointment of a referee or referees and to define their power and duties; to provide for

the appointment of an advisory board to such courts, and to define the duties and powers of such boards to provide for the appointment of the judge and other officers of such courts and to define their powers and duties and provide for their compensation; to declare that should any part of this act be found to be unconstitutional that it shall not affect the remainder thereof, and to provide for the repeal of all laws in conflict with this act.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Miller	Phillips
Baker	Craft	Moore	Rogers (Sumter)
Beale	Ellis	Morris	Sims
Bedsole	Gunter	McDowell	Smith (Coosa)
Briscoe	Harper	Nance	Tally
Brown	Huddleston	Norwood	West
Butler			

—25

*Nays:*—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate amendment to the bill: H. 105. To provide for the control of venereal diseases and by ante-nuptial physical examination of men, which shall be done within fifteen days before granting marriage license, fixing penalties for noncompliance.

Fred H. Gormley,  
Clerk.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the conference report on the disagreement of the two houses on the House amendment to the bill, S. 68:

S. 68. Relating to dependent, neglected, or delinquent children in all counties of Alabama which have a population of as many as one hundred and fifty thousand people according to the last Federal census, or which shall have such population according to any such census that may be taken hereafter; to define who are, dependent, neglected or delinquent children; to declare that such children shall be wards of the State; to provide for their custody, discipline, supervision, care, protection, guardianship and welfare; to create and establish in such counties juvenile courts, and to provide for their equipment and maintenance; to create

and confer upon such courts jurisdiction, under the terms of this act, to try and determine the question of the dependency, neglect or delinquency of children in such counties, and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training; and generally to confer upon such courts jurisdiction and power to try and determine all questions arising under the terms of this act, or which may be otherwise referred to them by law, for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this act; to provide for the trial and punishment of those who aid, abet, cause, connive at, or contribute to the dependency, neglect, or delinquency of such children; to provide and regulate the procedure in such cases, and to confer power upon such courts to make such rules and regulations and to devise such forms, where not otherwise provided for under the terms of this act, as shall be found necessary or convenient to the exercise of its jurisdiction, or which shall be necessary or convenient for the conduct of the county shelter, or parental school, or for the conduct of probation officers or their work as provided for in this act; to provide for the taking and enforcement of recognizances and bonds, and for the taking of appeals from the decisions of such courts; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent under the terms of this act; to provide for the establishment and maintenance of a detention home, or parental school, and for the appointment and compensation of probation officers; to provide for the appointment of a referee or referees and to define their power and duties; to provide for the appointment of an advisory board to such courts, and to define the duties and powers of such boards; to provide for the appointment of the judge and other officers of such courts and to define their powers and duties and provide for their compensation; to declare that should any part of this act be found to be unconstitutional that it shall not affect the remainder thereof, and to provide for the repeal of all laws in conflict with this act.

Said conference report being as follows:

#### REPORT OF COMMITTEE ON S. 68.

Mr. Speaker:

Your Committee on Conference on Senate bill No. 68, beg leave to submit the following report:



Your committee recommends that the Senate concur in the amendment as passed in the House.

A. Benners,  
J. C. Arnold,  
G. W. Ross,  
House Committee.  
T. J. Bedsole,  
C. R. West,  
Senate Committee.

And sends same to the Senate.

Fred H. Gormley,  
Clerk.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed:

S. J. R. 52. Relative to the pay of recess committees while engaged in their work during the recess.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Briscoe, the Senate concurred in and adopted the following amendment by the House to Senate joint resolution No. 52, the title of which is set out in the foregoing message from the House, to-wit:

Amend by striking out the word: "Traveling."

Yeas, 28; Nays, 0.

#### Yeas:

#### Messrs:

Acker	Carmichael	Huddleston	Phillips
Baker	Craft	Kelly	Prestwood
Beale	Ellis	Miller	Rogers (Sumter)
Bedsole	Espy	Morris	Sims
Briscoe	Evins	McDowell	Smith (Coosa)
Brown	Gunter	Nance	Tally
Butler	Harper	Norwood	West

—28

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills beg leave to report that said committee, in session, have compared the following

enrolled bills and resolutions with the engrossed and original bills and resolutions, respectively, and find same correctly enrolled, to-wit:

S. 103. To revoke conditional and contingent appropriations heretofore made by the Legislature (except appropriations for the payment of pensions to Confederate veterans and appropriations for the support of public schools made by act approved April 18, 1911) insofar as they remain unpaid at the time of the passage of this act, and to repeal such existing appropriation acts insofar as the appropriations respectively remain unpaid.

Also:

S. 62. To change the date of the expiration of hunters' licenses from December 31st each year to September 30th each year and to permit all persons to whom hunters' licenses have been issued for the calendar year 1919 to exchange such licenses during the month of September, 1919, for hunters' licenses expiring September 30, 1920, upon the surrender of the hunters' licenses issued to them for the calendar year 1919, and allowing them a credit in the amount of one-fourth of the purchase price of such licenses.

Also:

S. 91. To authorize the court of county commissioners to establish private roads and to provide for their upkeep and payment of damages to landowners over whose land road passes.

Also:

S. 56. To regulate in part the time of trial of criminal cases.

Also:

S. J. R. 30. Relative to the Senate of Alabama, the House concurring, asking the Congress of the United States to appropriate \$250,000.00 to investigate and perfect a specific for the elimination of flu.

Also:

S. J. R. 53. Relative to compensation of J. E. Speight, for services as clerk of the Committee on Revision of Laws of the Senate, whose clerk was sick and unable to attend and further provides that he be paid the same per diem as said clerk would have been paid if he had been present. To be approved by the Secretary of the Senate.

Also:

S. 141. To authorize and empower the governor to employ an expert accountant to make a complete statement of the State's finances, showing all unpaid warrants outstanding, unpaid bills and accounts and the resources for the payment of the same.

Chas. McDowell, Jr.,  
Chairman.

## SIGNING OF BILLS AND RESOLUTIONS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills and resolutions:

S. 103. To revoke conditional and contingent appropriations heretofore made by the Legislature (except appropriations for the payment of pensions to Confederate veterans and appropriations for the support of public schools made by act approved April 18, 1911) insofar as they remain unpaid at the time of the passage of this act, and to repeal such existing appropriation acts insofar as the appropriations respectively remain unpaid.

Also:

S. 62. To change the date of the expiration of hunters' licenses from December 31st each year to September 30th each year and to permit all persons to whom hunters' licenses have been issued for the calendar year 1919 to exchange such licenses during the month of September, 1919, for hunters' licenses expiring September 30, 1920, upon the surrender of the hunters' licenses issued to them for the calendar year 1919, and allowing them a credit in the amount of one-fourth of the purchase price of such licenses.

Also:

S. 91. To authorize the court of county commissioners to establish private roads and to provide for their upkeep and payment of damages to landowners over whose land road passes.

Also:

S. 56. To regulate in part the time of trial of criminal cases.

Also:

S. J. R. 30. Relative to the Senate of Alabama, the House concurring, asking the Congress of the United States to appropriate \$250,000.00 to investigate and perfect a specific for the elimination of flu.

Also:

S. J. R. 53. Relative to compensation of J. E. Speight, for services as clerk of the Committee on Revision of Laws of the Senate, whose clerk was sick and unable to attend and further provides that he be paid the same per diem as said clerk would have been paid if he had been present. To be approved by the Secretary of the Senate.

Also:

S. 141. To authorize and empower the governor to employ an expert accountant to make a complete statement of the State's

finances, showing all unpaid warrants outstanding, unpaid bills and accounts and the resources for the payment of the same.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Van de Graff:

H. J. R. 70. Resolved by the House, the Senate concurring, **that the governor is requested to return House bill 178 and upon its return the Speaker of the House and President of the Senate are requested to erase their signatures therefrom that said bill may be reconsidered for the purpose of correcting a clerical error.**

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

HOUSE MESSAGE.

On motion of Mr. Bedsole, the Senate concurred in and adopted House joint resolution No. 70, set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate amendments to bill:

H. 168. To amend section 1 of an act entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained, approved September 10, 1915.

Fred H. Gormley,  
Clerk.

BILL POSTPONED AND MADE SPECIAL ORDER.

The bill:

H. 21. To amend the caption and sections one, two, three, four, five, six, seven, eight, nine and ten of "An act, to protect women and children from desertion and non-support by husbands and parents; making it a misdemeanor for a husband to desert or neglect to provide for the support of his wife, or for a parent to desert or neglect to provide for the support of his or child, or children, under the age of sixteen years; prescribing the penalty therefor, and making provisions for the apprehension and punishment of persons convicted of non-support or deser-

tion; and providing for the taking of recognizances; and for the forfeiture and enforcement of said recognizances; also providing for the appointment of probation officers and prescribing their duties and powers; and making chiefs of police and sheriffs and other peace officers, probation officers, in certain contingencies, and designating the courts which shall have jurisdiction of such matters. Approved September 16th, 1915.

Was called up.

Mr. Prestwood moved that this bill be postponed until the 21st legislative day. Mr. Huddleston moved to table the motion made by Mr. Prestwood, which motion prevailed, and the motion of Mr. Prestwood was laid on the table.

Mr. Evins moved that said bill be postponed until the next legislative day and that it be made a special order for that day, which motion prevailed, and said bill was postponed until the next legislative day and made a special order for that day.

#### SPECIAL ORDER.

The Senate proceeded to consider the second special order for today, which was:

S. 14. To repeal sections 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105 and 106, of an act of the Legislature of Alabama, entitled an act to provide for the assessment, valuation and equalization of values of real and personal property for taxes, and for this purpose to create State board of equalization, prescribe the powers and duties of said board, to create a board of equalization of each county, and to prescribe the powers and duties of said boards, to provide for the collection of taxes; the sale of property for taxes; the redemption from such sales; to further provide for the general revenues, abolish the State tax commission and to transfer all the power and authority and jurisdiction and all proceedings pending for assessment and collection of taxes, and to repeal all laws in conflict with this act. Approved on the 14th day of September, 1915.

And the following amendment offered thereto by Mr. Briscoe, to-wit:

Amend section 1 by striking out the words: "Its passage" and inserting instead thereof the words: "The 1st day of September, 1919."

And said amendment was adopted.

Yeas, 14; Nays, 13.

*Yeas:*

## Messrs:

Acker	Butler	Miller	Smith (Coosa)
Baker	Carmichael	Prestwood	Tally
Beale	Craft	Sims	West
Briscoe	Harper		

—14

*Nays:*

## Messrs:

Bedsole	Huddleston	Morris	Norwood
Brown	Kelly	McDowell	Phillips
Ellis	Moore	Nance	Rogers (Sumter)
Espy			

—13

Mr. Acker moved that said bill and amendments be postponed until the twenty-sixth legislative day and made a special order for 12 o'clock on that day, which motion prevailed, and said bill and the amendments thereto were postponed until the twenty-sixth legislative day and made a special order for 12 o'clock on that day.

## RESOLUTIONS.

Mr. Kelly offered the following resolution:

S. R. 57. Resolved by the Senate, that five hundred copies of Senate bill 190 be printed for distribution.

Which was read and referred to the Standing Committee on Printing.

Mr. Carmichael offered the following resolution:

S. J. R. 58. Resolved by the Senate, the House concurring, that the House be requested to return to the Senate H. 168.

Which was, under a suspension of the rules, adopted.

Mr. Acker offered the following resolution:

S. J. R. 59. Whereas, during many centuries, in various countries of the globe, the driven, wandering Jews have suffered terrible persecutions and massacres, sometimes at the hands of professedly Christian nations; and

Whereas, all right-thinking men, and especially Christians, should let their voice be heard for the justice, humanity, mercy, forgiveness and love of true Christianity, as taught by Jesus Christ:

Therefore, be it resolved by the Senate, the House concurring, that we do hereby respectfully petition Woodrow Wilson, President of the United States, and other officials of our government, as soon as deemed advisable, to intercede with the governments of Europe for an international conference to consider the

condition of the Jews, and to adopt such measures as may be deemed wise for their relief.

Which was, under a suspension of the rules, adopted.

#### POSTPONEMENT OF BILL.

On motion of Mr. Bedsole, the bill:

S. 132. To create the Alabama centennial commission, to prescribe its powers and duties, and to make an appropriation for the appropriate celebration, under the direction of the commission, of the one hundredth anniversary of the admission of Alabama into the Federal union.

Was indefinitely postponed by the Senate.

#### MOTION TO POSTPONE.

Mr. Sims moved to postpone the further consideration of:

S. 154. To amend act number 411 approved September 10th, 1915, entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained.

Which motion was lost.

On motion of Mr. Gunter, the further consideration of:

S. 171. To fix the salary of tax assessors in the counties having a population of over 82,000 and not exceeding 100,000 according to the last Federal census or any subsequent census, and allowance for clerical help in said offices, and to provide for payment thereof.

Was indefinitely postponed by the Senate.

#### ADJOURNMENT.

At 4:50 P. M., on motion of Mr. Morris, the Senate adjourned until 10 o'clock Monday morning, February 17th, 1919.

## TWENTIETH DAY.

Monday, February 17th, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

## PRAYER.

By Rev. Dr. Holt of Montgomery.

## ROLL CALL.

Present:

Mr. President and  
Messrs:

Acker	Carmichael	Huddleston	Phillips
Baker	Cowan	Kelly	Prestwood
Beale	Craft	Miller	Rogers (Sumter)
Bedsale	Ellis	Moore	Sims
Briscoe	Evins	Morris	Smith (Coosa)
Brown	Griffith	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper	Norwood	

## JOURNAL.

On motion of Mr. Bedsale the reading of the Journal of yesterday was dispensed with and same was approved by the Senate.

## COMMITTEE REPORT.

Mr. Beale, chairman of the Standing Committee on Printing, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, with amendment to-wit:

S. R. 57. Resolved by the Senate, that five hundred copies of Senate bill 190 be printed for distribution.

And Mr. Beale moved that the rules be suspended and said resolution be put upon its immediate consideration, which motion prevailed.

The question was upon the adoption of the following amendment offered to said resolution by the Committee on Printing, to-wit:

Amend Senate resolution fifty-seven by striking out the word "five" and inserting in lieu thereof "twenty-five."

Which amendment was adopted.

And said resolution as thus amended, was adopted.



## RESOLUTION.

Mr. West offered the following joint resolution:

S. J. R. 60. Whereas, the Legislature has provided for an educational commission to sit during the recess and study the educational system of the State and make recommendations for its betterment and, whereas this report will be of vital interest to the Legislature as well as the people of the State,

Be it therefore resolved, by the Senate, the House concurring, that ten thousand copies of this report be published in pamphlet form as soon as completed.

Resolved further, that these be placed in the hands of the State superintendent for distribution.

Which was, under a suspension of the rules adopted, and ordered sent forthwith to the House without engrossment.

## RESOLUTION.

Mr. Baker offered the following resolution:

S. R. 73. Be it resolved by the pages of the Senate, that we do most heartily extend our thanks and appreciation to the Senators for their kindness and consideration shown us during the session.

Which was, under a suspension of the rules, adopted.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 60. To declare all State lands, whether held in fee or in trust by the State, forest reserves and game refuges; to prohibit the cutting of any tree or timber thereon or setting fire to any inflammable substance growing on the same; to make it unlawful for any person to hunt, trap, net or otherwise kill or take any of the protected wild animals or resident birds thereon; to provide penalties for the violation of the provisions of this act, and to provide procedure in all cases where the State's right or title to such lands is brought into question or interposed as defense by any person on trial for violation of this act.

S. 195. To extend the corporate limits of the city of Tuscaloosa, Alabama.

S. 183. To regulate the appointment and prescribe the qualifications of staff officers, including pay, inspection, subsistence and medical departments in the National Guard.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## BILLS ON THIRD READING.

The bill:

H. 241. To abolish the office of deputy solicitor of Covington county, and to repeal all laws general, special or local in conflict with the provisions of this act insofar as they relate to Covington county.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs:

Acker	Ellis	Moore	Prestwood
Baker	Evins	Morris	Rogers (Sumter)
Beale	Griffith	McDowell	Sims
Butler	Gunter	Nance	Smith (Coosa)
Carlton	Harper	Norwood	Tally
Carmichael	Miller	Phillips	West
Craft			

—25

Nays:—None.

The bill:

H. 225. To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of Blount county, Alabama; to define the duties and powers of the court of county commissioners with regard to same, and to fix penalties for the violation of the rules, regulations and laws of the court of county commissioners.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Kelly	Phillips
Baker	Craft	Miller	Rogers (Sumter)
Beale	Ellis	Moore	Sims
Bedsole	Evins	Morris	Smith (Coosa)
Briscoe	Griffith	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper	Norwood	

—27

Nays:—None.

The bill:

S. 168. To amend sections 8 and 10 of an act entitled "An act to regulate the fine and forfeiture of Cullman county, and to provide for the registration and payment of claims against said fund," approved September 25th, 1915.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Miller	Phillips
Baker	Craft	Moore	Rogers (Sumter)
Beale	Ellis	Morris	Sims
Bedsole	Evins	McDowell	Smith (Coosa)
Briscoe	Griffith	Nance	Tally
Butler	Gunter	Norwood	West
Carlton	Harper		

—26

*Nays:*—None.

The bill:

H. 227. To require all State officers and employees traveling at the expense of the State, to file a verified, itemized statement of expenses, with vouchers attached before warrants issue therefor, and to provide that where the law provides for a certain sum for traveling expenses, the same shall not be paid unless actually expended.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Miller	Phillips
Baker	Craft	Moore	Rogers (Sumter)
Beale	Ellis	Morris	Sims
Bedsole	Evins	McDowell	Smith (Coosa)
Briscoe	Griffith	Nance	Tally
Butler	Gunter	Norwood	West
Carlton	Harper		

—26

*Nays:*—None.

The bill:

H. 222. To repeal an act of the Legislature of Alabama entitled, "An act to provide a more efficient system for opening, building, changing, constructing and working the public roads of St. Clair county.—A board of road commissioners provide for, their appointment, how made. Vacancies, how filled. Organization of such board duties of the chairman, duties of the secretary-treasurer. Itemized account of receipts and disbursements to be published. Oath of office and bond to be given. Salaries provided for. Impeachment of the members of the board, how done. Authority, duties and powers of the board of road commissioners. Meetings, when and where held. Adoption of new laws, rules and regulations concerning the public roads, etc., and publication of same provided for. No person other than those sentenced to hard labor for the county shall be compelled to work on the public roads, etc. Per capita tax for road purposes provided for.

Method of collecting the same to be provided by the board. Alphabetical list of those liable to such tax to be kept by beats. No exemption of property from payment of per capita tax. May be discharged by work under direction of the board. Misdemeanor to fail to pay such tax or to work eight days. Trials in name of State. Any person failing or refusing to discharge duties imposed guilty of misdemeanor. Penalties provided. Misdemeanor to violate the rules and regulations, etc., adopted by the board. Penalty for same. Court of county commissioners to levy special taxes for road purposes, how assessed and collected. Surplus in county treasury may be transferred to the board. Disposition of funds in hands of treasurer of board. Proceeds arising from bond issue, to be handled by such board. Condemnation proceedings provided. All rights, powers, duties, etc., on commissioners court with reference to public roads, etc., now conferred by general law of State available and applicable to such board of road commissioners. Repeal clause." Approved March 7, 1911. (Local Acts, 1911, pages 78-89, inc.)

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Leith	Phillips
Baker	Craft	Miller	Rogers (Sumter)
Beale	Ellis	Moore	Sims
Bedsole	Evins	Morris	Smith (Coosa)
Briscoe	Griffith	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper		

—26

Nays:—None.

The bill:

H. 334. To authorize the employment of pages and messengers of the House of Representatives and Senate, and prescribe their qualifications.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Harper	Phillips
Baker	Craft	Miller	Rogers (Sumter)
Beale	Ellis	Moore	Sims
Bedsole	Evins	Morris	Smith (Coosa)
Briscoe	Griffith	McDowell	Tally
Butler	Gunter	Nance	West
Carlton			

—25

Nays:—None.

The bill:

S. 26. To provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama.

Was taken up.

Mr. Acker offered the following amendment to said bill, to-wit:

Amend section 8 so as to read as follows:

Section 8. That as soon as the governor and convict board begin the working of convicts as provided in this act in sufficient numbers to justify the discontinuance of the lease system, the hire or leasing of convicts to any other person, firm or corporation, shall be discontinued.

Which was adopted.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Harper	Phillips
Baker	Cowan	Miller	Rogers (Sumter)
Beale	Craft	Moore	Sims
Bedsole	Ellis	Morris	Smith (Coosa)
Briscoe	Evins	McDowell	Tally
Butler	Griffith	Nance	West
Carlton	Gunter	Norwood	

—27

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Harper	Phillips
Baker	Cowan	Miller	Rogers (Sumter)
Beale	Craft	Moore	Sims
Bedsole	Ellis	Morris	Smith (Coosa)
Briscoe	Evins	McDowell	Tally
Butler	Griffith	Nance	West
Carlton	Gunter		

—26

*Nays:*—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in S. J. R. 60, relative to printing of 10,000 copies of report of educational commission.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 191. To appropriate the sum of two thousand two hundred fifteen and 76/100 (\$2,215.76) dollars for the relief of the board of inspectors of convicts for coal furnished the legislative and other departments of government, up to January 23rd, 1919.

S. 202. To repeal the local road law of Wilcox county, Alabama, approved September 22nd, 1915.

S. 196. To abolish the corporation of the town of Daleville, Dale county, Alabama.

S. 175. To make an appropriation for tick eradication in Alabama.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bills, your signature thereto is requested:

H. 240. To abolish the county court of Covington county, and to transfer all causes, paper and records of said county court into the circuit court of Covington county for determination and to repeal all laws general, special or local in conflict with the said act insofar as they relate to Covington county.

Also:

H. 273. To fix the salary of tax assessors in the counties having a population of over 82,000 and not exceeding 100,000 according to the last Federal census or any subsequent census, and allowances for clerical help in said offices, and to provide for payment thereof.

Also:

H. 268. To amend sections two, three and eight of an act approved September 22, 1915, "To amend article 31, chapter 41, of the Code of Alabama, 1907."

Also:

H. 143. To amend section 1436 of the Code of Alabama.

Also:

H. 189. To provide for the payment of the premium on bonds of county treasurers in counties which have one hundred and fifty thousand population, or over, according to the last Federal census, or any subsequent Federal census; to authorize such county treasurers to require bond from any assistant and provide for the payment of premium on such bond.

Also:

H. 260. To fix the salary of the judge of the county court in all counties having a population of not less than twenty-four thousand, seven hundred (24,700) and not more than twenty-five thousand (25,000) according to the Federal census of 1910 and provide for the payment of same.

Also:

H. 105. To provide for the control of venereal diseases by an ante-nuptial physical examination of men, which shall be done within fifteen days before granting marriage license, fixing penalties for noncompliance.

Fred H. Gormley,  
Clerk.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

H. 240. To abolish the county court of Covington county, and to transfer all causes, paper and records of said county court into the circuit court of Covington county for determination and to repeal all laws general, special or local in conflict with the said act insofar as they relate to Covington county.

Also:

H. 273. To fix the salary of tax assessors in the counties having a population of over 82,000 and not exceeding 100,000 according to the last Federal census or any subsequent census, and allowances for clerical help in said offices, and to provide for payment thereof.

Also:

H. 268. To amend sections two, three and eight of an act approved September 22, 1915, "To amend article 31, chapter 41, of the Code of Alabama, 1907."

Also:

H. 143. To amend section 1436 of the Code of Alabama.

Also:

H. 189. To provide for the payment of the premium on bonds of county treasurers in counties which have one hundred and fifty thousand population, or over, according to the last Federal census, or any subsequent Federal census; to authorize such county treasurers to require bond from any assistant and provide for the payment of premium on such bond.

Also:

H. 260. To fix the salary of the judge of the county court in all counties having a population of not less than twenty-four thousand, seven hundred (24,700) and not more than twenty-five thousand (25,000) according to the Federal census of 1910 and provide for the payment of same.

Also:

H. 105. To provide for the control of venereal diseases by an ante-nuptial physical examination of men, which shall be done within fifteen days before granting marriage license, fixing penalties for noncompliance.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House joint resolutions, your signature thereto is requested:

H. J. R. 53. Requesting the secretary of state to communicate to the Legislature the exact number of volumes and the number of copies of each volume of the report of the Alabama court of appeals, printed in the years 1915, 1916, 1917 and 1918 respectively, together with the total cost paid the State printer for each volume, the number of copies of each volume sold to the public, the number of copies of each distributed under the law, and the number of copies of each on hand.

Also:

H. J. R. 58. Relative to the creation of a joint committee of the House and Senate to sit with the State budget commission during the recess period of the Legislature.

Fred H. Gormley,  
Clerk.

#### SIGNING OF JOINT RESOLUTIONS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following joint resolutions:

H. J. R. 53. Requesting the secretary of state to communicate to the Legislature the exact number of volumes and the number of copies of each volume of the report of the Alabama court of appeals, printed in the years 1915, 1916, 1917 and 1918 respectively, together with the total cost paid the State printer for each volume, the number of copies of each volume sold to the public, the number of copies of each distributed under the law, and the number of copies of each on hand.



Also:

H. J. R. 58. Relative to the creation of a joint committee of the House and Senate to sit with the State budget commission during the recess period of the Legislature.

# MESSAGE FROM THE GOVERNOR.

*To The Honorable Senate of Alabama:*

I return you Senate bill No. 91, entitled an act to authorize the court of county commissioners to establish private roads and to provide for their upkeep and payment of damages to landowners over whose land road passes."

The bill is obviously intended to apply to all the counties of the State and yet in the title and body of the act authority is conferred only on the court of county commissioners. There are many counties in the State in which the court of county commissioners has been abolished and other governing bodies of the county exist to perform the same or similar functions to those performed by the court of county commissioners, and I think to make the law complete and operate without question according to the intention of its authors, the title and body of the bill should be so amended as to mention specifically other governing bodies of a county by whatever name called and to accomplish this purpose and to meet my objection to the bill in its present form, I suggest the following amendment:

1st. Amend the title of the bill by inserting therein just after the words "the court of county commissioners" the words "or other governing body by whatever name called."

2nd. Amend section 1 of the bill by adding just after the words "may be established by the court of county commissioners" in the opening sentence of section 1, the words "or other governing body by whatever name called."

Respectfully submitted,  
Thos. E. Kilby,  
Governor.

February 17, 1919.

# GOVERNOR'S MESSAGE.

On motion of Mr. Briscoe, the Senate concurred in and adopted the amendment proposed by his excellency the governor, to Senate bill No. 91, the title of which and the amendment proposed thereto, being set out in the foregoing message from the governor.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs:

Baker	Craft	Miller	Phillips
Beale	Ellis	Moore	Prestwood
Bedsole	Evins	Morris	Rogers (Sumter)
Briscoe	Griffith	McDowell	Smith (Coosa)
Butler	Gunter	Nance	Tally
Carlton	Harper	Norwood	West
Cowan	Leith		

—26

*Nays:*—None.

Which was a majority of the whole number elected to the Senate.

# MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in S. J. R. 59, for the relief of Jews in the foreign countries.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

# BILLS ON THIRD READING RESUMED.

The bill:

H. 127. To empower and direct the court of county commissioners, or board of revenue of Coffee county, to pay for the publication of notices of intention to apply for certain local laws applicable to entire county and when published by authority of member of Legislature of said county.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Harper	Phillips
Baker	Cowan	Miller	Rogers (Sumter)
Beale	Craft	Moore	Sims
Bedsole	Ellis	Morris	Smith (Coosa)
Briscoe	Evins	McDowell	Tally
Butler	Griffith	Nance	West
Carlton	Gunter		

—26

Nays:—None.

The bill:

H. 199. To prohibit the commissioners court of Coffee county from imposing on, or collecting from the owners of vehicles used upon the public roads of said county a vehicle license tax; and to repeal section 13 of an act of the Legislature of 1915, approved September 22, 1915 (General Acts of 1915, p. 573), so far as the provisions thereof apply to said county of Coffee.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs:

Baker	Craft	Miller	Prestwood
Beale	Ellis	Moore	Rogers (Sumter)
Bedsole	Evins	Morris	Sims
Briscoe	Griffith	McDowell	Smith (Coosa)
Butler	Gunter	Nance	Tally
Carlton	Harper	Norwood	West
Cowan	Kelly	Phillips	

—27

Nays:—None.

The bill:

H. 192. To provide for the establishment, construction, working and maintenance of private roads.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Baker	Craft	Miller	Phillips
Beale	Ellis	Moore	Rogers (Sumter)
Bedsole	Evins	Morris	Sims
Briscoe	Griffith	McDowell	Smith (Coosa)
Butler	Gunter	Nance	Tally
Carlton	Harper	Norwood	West
Cowan	Kelly		

—26

Nays:—None.

The bill:

H. 181. To prohibit persons from throwing into the public highways bottles, fragments of glass, tacks, nails, or other things likely to injure persons or vehicles passing along the highways.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Baker	Ellis	Moore	Prestwood
Beale	Evins	Morris	Rogers (Sumter)
Bedsole	Griffith	McDowell	Sims
Briscoe	Gunter	Nance	Smith (Coosa)
Butler	Harper	Norwood	Tally
Carlton	Kelly	Phillips	West
Craft	Miller		

—26

Nays:—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bill, your signature thereto is requested:

H. 212. To amend the title and sections one (1), three (3), four (4), fifteen (15) and 29, and paragraphs B and D of section eight (8) of an act "To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire department of such cities; to provide for the organization of

such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of the officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to declare the said board of trustees the trustee of such fund; to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into said fund the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenues received from licenses issued by such cities; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such fund of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the city attorney and city physician in connection with said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits out of said fund from levy; to provide the time of taking effect of this act," approved September 28, 1915.

Fred H. Gormley,  
Clerk.

#### SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by

a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following bill:

H. 212. To amend the title and sections one (1), three (3), four (4), fifteen (15) and 29, and paragraphs B and D of section eight (8) of an act "To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire department of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of the officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to declare the said board of trustees the trustee of such fund; to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into said fund the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenues received from licenses issued by such cities; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such fund of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the city attorney and city physician in connection with said board of trus-

tees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits out of said fund from levy; to provide the time of taking effect of this act," approved September 28, 1915.

#### RESOLUTIONS.

Mr. Acker offered the following joint resolution:

S. J. R. 61. Resolved by the Senate, the House concurring, that a joint meeting of the Rules Committee of the Senate, and the Rules Committee of the House be held at 12:30 o'clock P. M. today (Feb. 17th) to consider the hour of adjournment today.

Which was, under a suspension of the rules, adopted.

Mr. Carmichael offered the following resolution:

S. R. 62. Whereas, it is of the utmost importance to the State that the legislation passed at this session be examined and checked over, and that the Journal of the Senate be checked over and compared after the close of the present half of this session.

Therefore, be it resolved by the Senate, that the secretary, assistant secretary, chief clerk in the secretary's office, together with three clerks, all to be selected by the secretary, be given a period of twenty-five days from this date to check up, compare and arrange the Journal and registers of the Senate, and that they be allowed the same per diem as they are now allowed by law.

Which was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in S. J. R. 61, relative to a joint session of the Rules Committee at 12:30 today to consider hour of adjournment today.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the governor's amendments to bill:

S. 91. To authorize the court of county commissioners to establish private roads and to provide for their upkeep and payment of damages to landowners over whose land road passes.

The vote on the same being Yeas, 75; Nays, 0, which was a majority of the whole number elected to the House.

Fred H. Gormley,  
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate amendments to bill:

H. 262. To amend act number 411 approved September 10th, 1915, entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained.

Fred H. Gormley,  
Clerk.

RESOLUTION.

Mr. Kelly offered the following resolution:

Be it resolved by the Senate, that the attached resolution and communication from the commissioners court of Escambia county be read in the Senate and that same be spread upon the Journal:

S. R. 63. Resolved and ordered by the court of county commissioners of Escambia county, in lawful session at Brewton on the 15th day of February, 1919, that our Representative and Senator read and have the following letter presented to (and recorded upon the Journals of) the Legislature of Alabama:

To the Legislature of Alabama—The House and Senate and the Honorable Members Composing the Same,  
Montgomery, Alabama.

Gentlemen:

The undersigned court of county commissioners of Escambia county desire to lay before you their earnest appeal that you do not adjourn finally without first having made ample provision by law for the construction and maintenance of a complete system of State highways, roads and bridges, and that the several counties and cities shall be provided with ample means for maintaining at a fixed standard all present county public roads and bridges and the city streets.

That all restriction upon the Legislature to make ample provision for such purposes be removed from the present Constitution and that counties may join with the State and the national government in suitable contracts to secure proper maintenance of said highways.

That we also appeal to every county in Alabama to adopt a letter similar to this appeal by act of its governing body and lay the same before the Legislature when it again meets in July, and that we also appeal to all the newspapers in the State to urge upon the several counties and the Legislature the urgent importance of abolishing the antiquated system which has prevailed in Alabama for one hundred years of delegating the sole burden and responsibility of construction and maintenance of public high-

ways to the different counties without adequate means of either construction or maintenance of the same.

Witness this at Brewton, Alabama, February 15th, 1919.

Court of County Commissioners of Escambia County.

By M. R. McLellan, Judge of Probate.

S. L. McGowin, Commissioner District 1.

J. M. Padgett, Commissioner District 2.

J. E. Rose, Commissioner District 3.

J. J. Bullock, Commissioner District 4.

Which was read and referred to the Committee on Rules.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in S. J. R. 58, relative to the return to the Senate H. 168.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the amendment proposed by the governor to the bill:

H. 100. To repeal an act "To authorize persons who have practiced dentistry or dental surgery in the State of Alabama for twenty years or more, to practice the same," approved September 25, 1915.

Said governor's amendment being as follows:

*To the Honorable House of Representatives:*

I return herewith House bill No. 100, entitled, "An act to repeal an act to authorize persons who have practiced dentistry or dental surgery in the State of Alabama for twenty years or more to practice the same, approved September 25, 1915."

This bill was introduced originally in the House under the above title and contained but one section, which was in strict accord with the title and which section simply repealed the act of the Legislature approved September 25, 1915, referred to in the title. While the bill was pending in the House it was so amended without disturbing section 1 as to add sections 2, 3, 4 and 5, containing rules and regulations applying to the board of dental examiners of Alabama and to the practice of dentistry in this State under the terms and conditions of sections 2, 3, 4 and 5. The original purpose of the statute was single, that is to repeal a certain described previous act of the Legislature. Section 61 of the Constitution provides that no bill shall be so altered or amended on its passage through either house as to change its original purposes. The present bill shows there was a change and a material change of such original purpose by the enactment of sections 2, 3, 4 and 5 of the bill. Furthermore, section 45 of the Constitution provides that every law shall contain but one subject which shall be clearly expressed in its title, and it is settled that when there is a single subject expressed in the title other sections or amendments not cognate or germane



to the one subject mentioned in the title are not valid but are unconstitutional. The only subject mentioned in the title is the repealing of the specific act of the Legislature. Sections 2, 3, 4 and 5 of the bill now under consideration relate to new matters of legislation not within the title and cannot properly remain in the bill under the Constitution of the State. I have conferred with the friends of the bill and they express a desire that I propose an amendment eliminating sections 2, 3, 4 and 5 of the bill added by amendment in the House and allow the same to stand with the title and section 1 which alone would constitute a complete and valid enactment.

I, therefore, return the bill to the House stating the difficulties in the way and my objections to the bill, and propose the following amendment, which, if adopted, the bill will meet with my approval:

Amend the bill by striking out sections 2, 3, 4 and 5 as they now appear in the bill, leaving the title and section 1 of the bill to remain and constitute the complete act of the Legislature.

Respectfully submitted,  
Thos. E. Kilby,  
Governor.

February 17, 1919.

Which was adopted by a vote of Yeas, 68; Nays, 0, which was a majority of the whole number elected to the House, and sends same herewith to the Senate with the governor's amendment attached for your consideration and action.

Fred H. Gormley,  
Clerk.

#### HOUSE AND GOVERNOR'S MESSAGE.

On motion of Mr. Bedsole, the Senate concurred in and adopted the amendment proposed by his excellency the governor, to House bill No. 100, the title of which is set out in the foregoing message from the House and said amendment being set out in the foregoing message from the governor.

Yeas, 25; Nays, 0.

#### Yeas:

#### Messrs:

Baker	Ellis	Kelly	Norwood
Bedsole	Evins	Miller	Phillips
Butler	Griffith	Moore	Sims
Carlton	Gunter	Morris	Smith (Coosa)
Carmichael	Harper	McDowell	Tally
Cowan	Huddleston	Nance	West
Craft			

—25

Nays:—None.

Which was a majority of the whole number elected to the Senate.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 120. To provide that fraternal insurance contracts shall not be contested after it has been in force for two years for fraud

or irregularities in the application, and that no misrepresentation or warranty in the negotiation of a contract of such insurance or in such contract of insurance, or application therefor, or proof of loss thereunder, shall defeat or avoid the policy, or prevent its attaching, unless made with actual intent to defraud or unless the matter misrepresented increase the risk of loss.

S. 84. To amend section 3613 of the Code of Alabama, 1907, as amended March 29th, 1911.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### RESOLUTION.

Mr. McDowell offered the following joint resolution:

S. J. R. 64. Whereas, the splendid record of the Alabama soldiers in the great world's conflict has been such as to cause all Alabamians to point with pride thereto, and to feel profoundly grateful to them; therefore,

Be it resolved by the Senate, the House concurring, That the solicitors of Alabama, be and they are hereby requested, in the event any soldier from Alabama, who was called to "the colors," and at the time of his departure from home, had any misdemeanor case pending against him in any State court, or who was under bond to answer any misdemeanor charge against him, to dismiss such charge against said soldier who answered the call of his country.

And that the governor of Alabama be and he hereby is respectfully requested to issue a pardon, or parole, to any soldier, who at the time of his departure for the front, stood convicted of any misdemeanor in the courts of this State, and who was on bond pending the said appeal.

In order that such returned soldier may re-enter civil life without embarrassment.

Which was, under a suspension of the rules, adopted and ordered sent forthwith to the House without engrossment.

#### RECONSIDERATION OF VOTE.

Mr. Carmichael moves that the vote by which the Senate passed:

H. 168. To amend section 1 of an act entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained, approved September 10, 1915.

Be reconsidered, which motion prevailed, and Mr. Carmichael

moved that the vote by which said bill was ordered engrossed and read a third time be reconsidered, which motion prevailed, and Mr. Carmichael also moved that the vote by which the committee amendment to said bill was adopted, be reconsidered, which motion prevailed.

Mr. Carmichael then moved to table the amendment offered by the Committee on Public Roads and Highways, to-wit:

Amend by inserting the following after paragraph 35:

36. Begin at the Walker county line near Eldridge, thence through Marion county, Alabama, by Texas, Winfield, Pearces Mills, Hamilton and Bexar, to State line of Mississippi at or near Spence Gap, following the Bankhead Highway as it runs through Marion county.

Which motion prevailed and said motion was laid on the table.

Mr. Carmichael then offered the following amendment to said bill, to-wit:

Amend by inserting the following after paragraph 35:

35½. Begin at the Walker county line near Eldridge, thence through Marion county, Alabama, by Texas, Winfield, Pearces Mills, Hamilton and Bexar to State line of Mississippi at or near Spence Gap,, following the Bankhead Highway as it runs through Marion county.

Which was adopted.

Yeas, 29; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Kelly	Phillips
Baker	Craft	Miller	Prestwood
Beale	Ellis	Moore	Rogers (Sumter)
Bedsole	Evins	Morris	Sims
Briscoe	Griffith	McDowell	Smith (Coosa)
Butler	Harper	Nance	Tally
Carlton	Huddleston	Norwood	West
Carmichael			

—29

Nays:—None.

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs:

Acker	Butler	Ellis	Huddleston
Baker	Carlton	Evins	Kelly
Beale	Carmichael	Griffith	Miller
Bedsole	Cowan	Gunter	Moore
Briscoe	Craft	Harper	Morris

McDowell  
Nance  
Norwood

Phillips  
Prestwood  
Rogers (Sumter)

Sims  
Smith (Coosa)

Tally  
West

—30

*Nays*:—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 108. To authorize the trial court to impose an indeterminate sentence in all felonies for which the court fixes the punishment; to provide for the parole of convicts under indeterminate sentence and to authorize the board of pardons to establish rules in the matter of paroles.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### RESOLUTION.

Mr. Carmichael offered the following resolution:

S. J. R. 65. Resolved, by the Senate, the House concurring, that the governor be requested to return to the House, House bill No. 114 and that before its return the Speaker of the House and the President of the Senate be requested to erase their signatures from it.

Which was, under a suspension of the rules, adopted and ordered sent forthwith to the House without engrossment.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the amendment proposed by the Governor to the bill:

H. 201. To make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, and for the interest on the public debt, and for the public schools for that part of the fiscal year beginning April 1, 1919, and ending September 30, 1919.

Said governor's amendment being as follows:

*To the Honorable House of Representatives:*

I return herewith to the House bill 201, being the general appropriation bill making appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, and for the interest on the public debt, and for the public schools for that part of the fiscal year beginning April 1, 1919, and ending September 30, 1919, and call your attention to two omissions which need to be supplied, and submit herewith an amendment to supply said omissions, which, if adopted, will remove any objection to the bill and will secure my approval thereof.

There are two items under the head of miscellaneous appropriations as to which I am informed by the auditor that all existing appropriations have been exhausted and there is no money to the credit of either of those items that can be used for the period of time existing from the present date to April 1st, 1919, and that funds are needed for those two items.

I refer first to item number 9 under miscellaneous appropriations for the contingent fund of the governor and item number 12 under miscellaneous appropriations for postage and postoffice box rent for the several executive offices, departments, commissions, bureaus and boards, the Supreme Court, the Court of Appeals, and the Supreme Court library, and I propose the following as an amendment to the bill:

Add at the end of section 5 of the bill the following:

Provided, however, that there is hereby appropriated for the contingent fund of the governor covering the period of time from the date of enactment of this bill to April 1, 1919, the sum of two thousand (\$2,000.00) dollars, and there is hereby appropriated for postage and postoffice box rent for the several executive offices, departments, commissions, bureaus and boards, the Supreme Court, the Court of Appeals and the Supreme Court library one thousand (\$1,000.00) dollars to cover the period from the date of the enactment of this act to April 1, 1919. This item to follow just after the first preceding appropriation.

Respectfully submitted,  
Thos. E. Kilby,  
Governor.

Which was adopted by a vote of Yeas, 69; Nays, 0, which was a majority of the whole number elected to the House, and sends same herewith to the Senate with the governor's amendment attached for your consideration and action.

Fred H. Gormley,  
Clerk.

#### HOUSE AND GOVERNOR'S MESSAGE.

On motion of Mr. Bedsole, the Senate concurred in and adopted the amendment proposed by his excellency the governor to House bill 201, the title of which is set out in the foregoing message from the House, and said amendment being set out in the foregoing message from the governor.

Yeas, 28; Nays, 0.

#### Yeas:

##### Messrs:

Beale	Craft	Kelly	Phillips
Bedsole	Ellis	Miller	Prestwood
Briscoe	Evins	Moore	Rogers (Sumter)
Butler	Griffith	Morris	Sims
Carlton	Gunter	McDowell	Smith (Coosa)
Carmichael	Harper	Nance	Tally
Cowan	Huddleston	Norwood	West

Nays:—None.

Which was a majority of the whole number elected to the Senate.

BILLS ON THIRD READING RESUMED.

The bill:

H. 141. To amend subdivision 82½ of Section 1 of an act entitled an act "To prescribe and fix the license or privilege tax to be paid by every person, firm, company, corporation or association engaged in any business, vocation, occupation, calling or profession in this State, or who shall in this State exercise any privileges, for which a license or privilege tax is or may be charged; to ~~provide for and regulate~~ the collection of such license or privilege tax; to fix the compensation to be paid for the collection of such license or privilege tax; to provide for the distribution, application and safe keeping of the funds arising from the collection of such license or privilege tax; to fix a penalty for doing business without a license, and to provide for the enforcement thereof, and to further provide for the general revenues," approved September 14th, 1915.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Kelly	Phillips
Baker	Craft	Miller	Prestwood
Beale	Ellis	Moore	Rogers (Sumter)
Bedsole	Evins	Morris	Sims
Briscoe	Griffith	McDowell	Smith (Coosa)
Butler	Gunter	Nance	Tally
Carlton	Harper	Norwood	West
Carmichael			

—29

Nays:—None.

The bill:

H. 21. To amend the caption and sections one, two, three, four, five, six, seven, eight, nine and ten of "An act, to protect women and children from desertion and non-support by husbands and parents; making it a misdemeanor for a husband to desert or neglect to provide for the support of his wife, or for a parent to desert or neglect to provide for the support of his or child, or children, under the age of sixteen years; prescribing the penalty therefor, and making provisions for the apprehension and punishment of persons convicted of non-support or desertion; and providing for the taking of recognizances; and for the forfeiture and enforcement of said recognizances; also providing for the appointment of probation officers and prescribing their

duties and powers; and making chiefs of police and sheriffs and other peace officers, probation officers, in certain contingencies, and designating the courts which shall have jurisdiction of such matters. Approved September 16th, 1915.

Was read a third time at length and passed.

Yeas, 27; Nays, 1.

*Yeas:*

Messrs:

Baker	Cowan	Kelly	Phillips
Beale	Craft	Miller	Prestwood
Bedsole	Ellis	Moore	Rogers (Sumter)
Briscoe	Evins	Morris	Sims
Butler	Griffith	McDowell	Smith (Coosa)
Carlton	Gunter	Nance	West
Carmichael	Harper	Norwood	

—27

Mr. Tally—1.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed:

S. 43. To amend section 4747 of the Civil Code of Alabama.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Bedsole, the Senate concurred in the following amendment by the House to Senate bill No. 43, the title of which is set out in the foregoing message from the House, to-wit:

Amend Senate bill No. 43 so that the same shall read as follows:

#### A BILL

To be entitled "An act to amend section 4747 of the Civil Code of Alabama."

Be it enacted by the Legislature of Alabama, That section 4747 of the Civil Code of Alabama of 1907, be, and the same is, hereby amended to read as follows:

4747. (2716) (3069) Lien declared.—The landlord of any storehouse, dwelling house, or other building, shall have a lien on the goods, furniture and effects belonging to the tenant, and sub-tenant, for his rent, which shall be superior to all other liens, except those for taxes; provided, that in case the tenant or sub-tenant is adjudged a bankrupt, such lien on such goods, furniture and effects of the bankrupt, except for a dwelling house used

exclusively as a dwelling, shall, as against the trustee in bankruptcy, attach only for unpaid rent accrued and which shall accrue within six months from the date of adjudication computed pro rata at the then current rate; provided, further, that the lien amount accrued and to accrue shall not be increased by reason of any default or breach of contract by the bankrupt; provided, further, that from the amount of such lien, so computed, the trustee in bankruptcy may deduct all payments and all demands which could be legally set up against the landlord by way of recoupment, set-off, or counter-claim; provided, further, that if the trustee in bankruptcy shall dispose of the lease as an asset of the bankrupt estate, then the landlord shall have a lien on the goods, furniture and effects of any person holding under the trustee in bankruptcy.

Yeas, 27; Nays, 1.

Yeas:

Messrs:

Acker	Carmichael	Harper	Phillips
Baker	Cowan	Miller	Rogers (Sumter)
Beale	Craft	Moore	Sims
Bedsole	Ellis	Morris	Smith (Coosa)
Briscoe	Evins	McDowell	Tally
Butler	Griffith	Nance	West
Carlton	Gunter	Norwood	

—27

Mr. Prestwood—1.

#### RESOLUTIONS.

Mr. Evins offered the following resolution:

S. J. R. 66. Be it resolved by the Senate, the House concurring, That 2,000 copies of the General Acts passed at this session of the Legislature be printed, in pamphlet form, as soon as possible, and that 10 copies thereof be sent forthwith to the probate judge of each county in the State, and one to each member of the Senate and House of Representatives, and to each of the solicitors and judges of this State, and one to each department of government, and the remainder to be distributed to the general public upon request.

Which was, under a suspension of the rules, adopted and ordered sent forthwith to the House without engrossment.

#### LEAVE OF ABSENCE.

Mr. Baker requested leave of absence for this afternoon, which was granted.



## RESOLUTION.

Mr. Craft offered the following joint resolution:

S. J. R. 67. Whereas, Alabama has been allotted approximately one million six hundred thousand dollars by the Federal government for road construction; and,

Whereas, there is an amendment to the postoffice bill now pending in the Congress of the United States, which when adopted will give Alabama a grand total of five million seven hundred seventy-two thousand, one hundred ninety-seven and twenty-six cents (\$5,772,197.26); and,

Whereas, Alabama's distinguished senior senator, the Hon. John H. Bankhead, is the author of the original bill and the pending amendment thereto; and,

Whereas, he has been untiring in his efforts in behalf of good roads of the country and especially of Alabama; therefore,

Be it resolved by the Senate of Alabama, the House concurring, That the thanks of the Legislature of Alabama be extended to Senator Bankhead.

Which was, under a suspension of the rules, adopted and ordered sent forthwith to the House without engrossment.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 203. To further authorize the governor to enforce the laws and preserve the peace of the State and to prescribe the means whereby this duty may be performed by the Governor.

S. 148. To grant to the United States government a site for a maritime quarantine station, including the conveyance of needful soil now or heretofore covered by navigable waters of the State of Alabama, and to cede jurisdiction thereof.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

The resolution:

S. J. R. 51½. Relative to appointment of a joint recess committee to investigate the question pertaining to a fair representation of the various counties and senatorial districts in the Senate and House of Representatives of this State.

Was read a third time at length and lost.

Yeas, 4; Nays, 26.

Yeas:

Messrs:

Griffith

Kelly

Prestwood

Smith (Coosa)\*

*Nays:*

## Messrs:

Acker	Carmichael	Huddleston	Norwood
Baker	Cowan	Miller	Phillips
Beale	Craft	Moore	Rogers (Sumter)
Bedsole	Ellis	Morris	Sims
Briscoe	Evins	McDowell	Tally
Butler	Gunter	Nance	West
Carlton	Harper		

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## RECESS.

At 12:20 o'clock P. M., on motion of Mr. Ellis, the Senate took a recess until 2:30 o'clock this afternoon.

## AFTERNOON SESSION—TWENTIETH DAY.

February 17th, 1919.

The Senate re-assembled at 2:30 o'clock P. M., Lieutenant Governor Miller presiding.

## ROLL CALL.

On a call of the roll 22 members answered to their names, a quorum of the Senate.

## INTRODUCTION OF BILL.

Upon a call of districts the following bill was introduced, and read one time and referred to appropriate standing committee as follows:

By Mr. Miller:

S. 209. To amend section twenty-seven (27) of an act, entitled an act to provide for the assessment, valuation, and equalization of values of real and personal property for taxation, and for this purpose to create a State board of equalization, to prescribe the powers and duties of said board, to create a board of equalization for each county, and to prescribe the powers and duties of said boards, to provide for the collection of taxes, the sale of property for taxes, the redemption from such sales, to further provide for the general revenues, abolish the State tax commission, and to transfer all of its powers, authority and jurisdiction, and all proceedings pending for assessment and collection of taxes, and to repeal all laws in conflict with this act, approved September 14th, 1915.

Education.

## REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills beg leave to report, that said committee, in session, have examined and compared the following engrossed bills with the originals and find same correctly engrossed, to-wit:

S. 26. To provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama.

S. 168. To amend sections 8 and 10 of an act entitled "An act to regulate the fine and forfeiture of Cullman county, and to provide for the registration and payment of claims against said fund," approved September 25th, 1915.

R. B. Evins,  
Chairman.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 194. To establish a board of revenue for Sumter county, and for the abolishment of the court of county commissioners of said county.

S. 176. To prohibit the shipment of oysters in the shell out of the State of Alabama by water, and provide for the culling of the oysters when taken from the waters of the State, and prescribing who may take oysters from the waters, or shrimp from the waters of the State, and upon what terms, and prohibiting the catching or transportation of shrimp from the waters of this State, except by bona fide residents of the State for not less than one year, and requiring dealers in oysters to pay a license.

S. 198. To create a commission to be known as the Alabama Post-War Council of Defense, to prescribe its powers and duties to designate members ex-officio and other members, to provide for co-operation between the State and the Federal government and between the State and other agencies in meeting the exigencies and emergencies incident to post-war re-adjustment, and to make an appropriation for the carrying out of the provisions of this act.

S. 165. To authorize the State board of examiners to issue emergency certificates good until the July, 1919, examination.

S. 201. To repeal an act entitled "An act to provide for the working, grading, improvement and building of the public roads and bridges of Coosa county, Alabama, and to provide revenue for doing same."

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the following Senate joint resolutions:

S. J. R. 67, relative to extending thanks of the Legislature of Alabama to Hon. John H. Bankhead for securing appropriations for Alabama of \$5,772,197.26 for good road purposes.

S. J. R. 66, relative to the printing of two thousand copies of the general acts passed at this session of the Legislature being printed and distributed.

S. J. R. 55, memorializing Congress to continue the nitrate development at Muscle Shoals development in this State and to make provisions for the enlargement and further development of such industry.

And return same to the Senate.

Fred H. Gormley,  
Clerk.

## RESOLUTIONS.

Mr. Acker offered the following Senate joint resolution:

S. J. R. 68. Resolved by the Senate, the House concurring, that the following be and is hereby adopted as a joint rule of procedure for the government of both houses, viz.:

In consideration of the appropriation bills recommended by the Budget Commission, no amendment, except an amendment reducing or striking out items in the bill, shall be received or considered unless such amendment shall have first been considered by the committee of the whole house, of the house in which the amendment is offered, and voted for by two-thirds of the members elected to said house.

And moved a suspension of the rules and the immediate adoption of said resolution, which motion prevailed, and said resolution was, under a suspension of the rules, adopted.

Mr. Acker also offered the following joint resolution:

S. J. R. 69. Resolved, by the Senate, the House concurring, that the governor be and he is hereby requested to return to the Senate Senate bill No. 94, authorizing temporary appointment of Senators of the United States, and that when the bill is returned, the President of the Senate and the Speaker of the House be requested to erase their signatures to said bill.

Which was, under a suspension of the rules, adopted, and ordered sent forthwith to the House without engrossment.

## REPORT FROM RULES COMMITTEE.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 63. Relative to reading and spreading upon the Journal of the Senate of a certain resolution of the commissioners court of Escambia county.

And said resolution was, under a suspension of the rules, adopted, and said resolution of the commissioners' court of Escambia county ordered spread upon the Journal of the Senate as follows:

Resolved and ordered by the court of county commissioners of Escambia county, in lawful session at Brewton on the 15th day of February, 1919, that our representative and senator read and have the following letter presented to (and recorded upon the Journals of) the Legislature of Alabama:

To the Legislature of Alabama, the House and Senate, and the Honorable Members Composing the Same,  
Montgomery, Alabama.  
Gentlemen:

The undersigned court of county commissioners of Escambia county desire to lay before you their earnest appeal that you do not adjourn finally without first having made ample provision by law for the construction and maintenance of a complete system of State highways, roads and bridges, and that the several counties and cities shall be provided with ample means for maintaining at a fixed standard all present county public roads and bridges and the city streets.

That all restriction upon the Legislature to make ample provision for such purposes be removed from the present Constitution and that counties may join with the State and the national government in suitable contracts to secure proper maintenance of said highways.

That we also appeal to every county in Alabama to adopt a letter similar to this appeal by act of its governing body and lay the same before the Legislature when it again meets in July, and that we also appeal to all the newspapers in the State to urge upon the several counties and the Legislature the urgent importance of abolishing the antiquated system which has prevailed in Alabama for one hundred years of delegating the sole burden and responsibility of construction and maintenance of public highways to the different counties without adequate means of either construction or maintenance of the same.

Witness this at Brewton, Alabama, February 15th, 1919.

Court of County Commissioners of Escambia County.

By M. R. McLellan, Judge of Probate.

S. L. McGowin, Commissioner District 1.

J. M. Padgett, Commissioner District 2.

J. E. Rose, Commissioner District 3.

J. J. Bullock, Commissioner District 4.

Mr. Carmichael offered the following resolution:

S. J. R. 70. Be it resolved by the Senate, the House concurring, that the Secretary, Assistant Secretary, Chief Clerk in the

Secretary's office, together with three clerks, all to be selected by the Secretary, and the Clerk of the House, Assistant Clerk, together with four clerks to be selected by the Clerk of the House, be given a period of twenty days from this date, or so much thereof as may be necessary, to check up, compare and arrange the Journals and registers of the Senate and House, and that they be allowed the same per diem as they are now allowed by law. Provided, the clerks named by the Secretary of the Senate and the Clerk of the House shall be relieved from service when the work is finished.

Which was, under a suspension of the rules, adopted, and ordered sent forthwith to the House without engrossment.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in S. J. R. 65, relative to the return of H. 114 by the governor and erasure of signature by the presiding officers of the House and Senate.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in S. J. R. 64, relative to the prosecution of soldiers of Alabama.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 83. To amend section 1309 of the Code of Alabama, 1907.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

*To the Gentlemen of the Senate:*

The governor directs me to return herewith Senate bill No. 180, with his amendment thereto, which is self-explanatory.

Respectfully,  
W. A. Darden,  
Secretary to the Governor.

February 17, 1919.

## MESSAGE FROM THE GOVERNOR.

*To the Honorable The Senate of Alabama:*

I return herewith Senate bill No. 180 for the purpose of proposing an amendment to meet one objection to the bill in its present form.

I do not approve of the broad and unconditional power conferred upon the inferior court upon the conviction of defendants in misdemeanor cases except in one class of cases specified to suspend sentence whenever in the discretion of the court the same shall be advisable. This would practically grant unbridled discretion to the court to relieve persons convicted of misdemeanors from any and all punishment by the suspension of sentence and thereby enable the court if it saw proper to do so to relieve all defendants in misdemeanor cases except in one class defined from any punishment or penalty due to the convicted person on account of a misdemeanor. This is a more far-reaching and a broader power of suspending sentence than is conferred by existing laws upon the circuit courts, and practically would amount to conferring upon the inferior court the power to reprieve, pardon and commutation of sentences vested by the Constitution in the governor of the State only.

I, therefore, propose the following amendment to meet this objection:

Amend section 11 of the bill by striking out the concluding portion thereof in the following words:

"Upon conviction of any defendant in misdemeanor cases in said court except in cases involving a violation of the prohibition laws of the State, the court shall have the right and power to suspend sentence, whenever in the discretion of the court the same shall be advisable."

Respectfully submitted,  
Thos. E. Kilby,  
Governor.

February 17, 1919.

## GOVERNOR'S MESSAGE.

On motion of Mr. Ellis, the Senate concurred in and adopted the amendment proposed by his excellency the governor, to:

S. 180. To regulate inferior courts or courts of common pleas, or by whatsoever name the same is known and called, in cities having as many as thirty-five thousand, and less than fifty thousand population, according to the last or any subsequent Federal census; to provide and define the jurisdiction and powers of such courts; to provide for the judges and officers of such courts, and their powers, duties and compensation and to fix the fees and costs for such courts; to provide the rules of procedure for such courts, and for the operation thereof; and to provide for registering, and a lien for its judgments; and to abolish justices of the peace in such cities.

Said amendment being set out in the foregoing message from the governor.

Yeas, 27; Nays, 0.

*Yeas:*

*Messrs:*

Acker	Carlton	Huddleston	Phillips
Baker	Carmichael	Kelly	Rogers (Sumter)
Beale	Cowan	Miller	Sims
Bedsole	Craft	Moore	Smith (Coosa)
Briscoe	Ellis	Morris	Tally
Brown	Evins	McDowell	West
Butler	Griffith	Norwood	

—27

*Nays:*—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in S. J. R. 68, relative to consideration of bills carrying appropriations proposed by budget commission.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### MESSAGE FROM THE HOUSE.

The House has concurred in S. J. R. 70, relative to the extra work of the clerical force of the Secretary of the Senate and Clerk of the House.

Also:

S. J. R. 69, relative to the return of S. 94 by the governor to the Senate.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 168. To amend section one of an act entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained, approved September 10, 1915.

Fred H. Gormley,  
Clerk.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed.

S. 54. To prohibit the erection and maintenance of advertising signs resembling railroad crossing signs, on the public high-



ways, and on private property withn one hundred feet of the right-of-way of a public road, and to provide penalties for the violation of the provisions of this act.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Kelly, the Senate concurred in the following amendment by the House to S. 54, the title of which is set out in the foregoing message from the House, to-wit:

#### AMENDMENT BY THE COMMITTEE.

Amend the bill by striking out the words "one hundred feet" where the same occur in the bill, and inserting in lieu thereof the words "one-fourth of a mile."

Amend section two of the bill so as the same will read as follows: That the person, firm, association or corporation whose name shall appear on said sign as the beneficiary of the advertisement thereon, shall be prima-facie presumed to be the party guilty of erecting and maintaining the same, whether it be on a public road or street or on private property, within one-fourth of a mile of the right of way of a public road or street. And no owner or person in possession of private property upon which such sign or signs are erected shall allow said signs to remain on said premises or lands in his possession after having notice for ten days that the sign or signs are on his premises or lands in his possession.

Yeas, 23; Nays, 3.

*Yeas:*

Messrs:

Acker	Butler	Evins	Norwood
Baker	Carlton	Griffith	Rogers (Sumter)
Beale	Carmichael	Gunter	Sims
Bedsole	Cowan	Moore	Tally
Briscoe	Craft	Morris	West
Brown	Ellis	McDowell	

—23

*Nays:*

Messrs:

Kelly	Phillips	Prestwood
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—3

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having erased his signature from the bill:

H. 178. To provide for the incorporation of societies of persons seeking to promote the development or betterment of com-

munities, municipalities or counties in the State, or other public purposes, without pecuniary profit to the individual members; and to exempt the property of such societies from taxation.

You are requested to erase yours therefrom.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The President of the Senate, in the presence of the Senate, erased his signature from the bill:

H. 178. To provide for the incorporation of societies of persons seeking to promote the development or betterment of communities, municipalities or counties in the State, or other public purposes, without pecuniary profit to the individual members; and to exempt the property of such societies from taxation.

Mr. Beale then moved that the vote by which said bill was passed by the Senate, be reconsidered, which motion prevailed, and Mr. Beale also moved to reconsider the vote by which said bill was ordered engrossed and read a third time, which motion prevailed.

Mr. Beale then offered the following amendment to said bill, to-wit:

Amend House bill 178 by striking out the word "exacting" where the same occurs in the second section of said bill and insert in lieu thereof the word: "existing."

Which was adopted.

Yeas, 25; Nays, 0.

#### Yeas:

##### Messrs:

Acker	Cowan	Moore	Prestwood
Baker	Craft	Morris	Rogers (Sumter)
Beale	Ellis	McDowell	Sims
Bedsole	Evins	Nance	Smith (Coosa)
Brown	Griffith	Norwood	Tally
Butler	Kelly	Phillips	West
Carlton			

—25

Nays:—None.

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 24; Nays, 0.

#### Yeas:

##### Messrs:

Acker	Bedsole	Butler	Ellis
Baker	Briscoe	Carlton	Evins
Beale	Brown	Craft	Kelly

Moore  
Morris  
McDowell

Nance  
Norwood  
Phillips

Prestwood  
Rogers (Sumter)  
Sims

Smith (Coosa)  
Tally  
West

—24

*Nays*:—None.

#### RESOLUTIONS.

Mr. Rogers of Sumter, offered the following resolution:

S. R. 71. Resolved, that the appreciation of the Senators be expressed by this resolution to Lieutenant Governor Miller and to President Pro Tem Bedsole for the courteous, fair and impartial way that they have presided over the Senate.

Resolved, that the thanks of the Senate be extended to the door keeper, the pages, the Secretary of the Senate and his assistants, the clerks of the various committees and to the colored servants of this body for the faithful performance of their duties during this session of the Legislature.

Which was, under a suspension of the rules, adopted.

Mr. Craft offered the following Senate joint resolution:

S. J. R. 72. Be it resolved by the Senate, the House concurring; that,

Whereas, the Texas Legislature has extended an invitation to the Alabama Legislature to appoint a special committee to represent Alabama at a joint meeting of the United States good road association and the Bankhead highway association, at Mineral Springs, Texas, April 14th to 19th; therefore,

Be it resolved, That we accept the cordial invitation from the House of Representatives of Texas, and a joint committee of two from the Senate and three from the House be and are hereby appointed to represent the State of Alabama at the request of the Texas Legislature.

Which was, under a suspension of the rules, adopted, and sent forthwith to the House without engrossment.

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills beg leave to report that said committee, in session, have compared the following enrolled bills and Senate joint resolution with the engrossed and original bills and Senate joint resolution, respectively, and find same correctly enrolled, to-wit:

S. J. R. 52. Relative to paying the recess committees of the Legislature from both houses the same per diem as members of the Legislature are now paid and their expenses while so engaged upon the certificate of the chairman of said committees.

S. 183. To regulate the appointment and prescribe the qualifications of staff officers, including pay, inspection, subsistence and medical departments in the National Guard.

S. 195. To extend the corporate limits of the city of Tuscaloosa, Ala.

S. 68. Relating to dependent, neglected, or delinquent children in all counties of Alabama which have a population of as many as one hundred and fifty thousand people according to the last Federal census, or which shall have such population according to any such census that may be taken hereafter; to define who are dependent, neglected or delinquent children; to declare that such children shall be wards of the State; to provide for their custody, discipline, supervision, care, protection, guardianship and welfare; to create and establish in such counties juvenile courts, and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction, under the terms of this act, to try and determine the question of the dependency, neglect or delinquency of children in such counties, and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training; and generally to confer upon such courts jurisdiction and power to try and determine all questions arising under the terms of this act, or which may be otherwise referred to them by law, for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this act; to provide for the trial and punishment of those who aid, abet, cause, connive at, or contribute to the dependency, neglect, or delinquency of such children; to provide and regulate the procedure in such cases, and to confer power upon such courts to make such rules and regulations and to devise such forms, where not otherwise provided for under the terms of this act, as shall be found necessary or convenient to the exercise of its jurisdiction, or which shall be necessary or convenient for the conduct of the county shelter, or parental school, or for the conduct of probation officers, or their work as provided for in this act; to provide for the taking and enforcement of recognizances and bonds, and for the taking of appeals from the decisions of such courts; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent under the terms of this act; to provide for the establishment and maintenance of a detention home, or parental school, and for the appointment and compensation of probation officers; to provide for the appointment of a referee or referees and to define their power and du-

ties; to provide for the appointment of an advisory board to such courts, and to define the duties and powers of such boards; to provide for the appointment of the judge and other officers of such courts and to define their powers and duties and provide for their compensation; to declare that should any part of this act be found to be unconstitutional that it shall not affect the remainder thereof, and to provide for the repeal of all laws in conflict with this act.

S. 69. To regulate the practice of public accountancy by creating a State board of public accountancy, fixing its fees and emoluments; to prohibit the unlawful use of words, letters or other means of identification by unauthorized persons, as certified public accountants under this act, and to provide penalties for the violation of its provisions.

S. 130. To authorize and empower all municipal corporations which may have heretofore regularly issued bonds as provided by law for all or any of the purposes of constructing a wharf or wharves, and a landing or landings, and purchasing such real estate as may be necessary for such wharf or wharves, and landing or landings, and the equipping and furnishing of the same, and improving of the water front, for such municipality, and within its limits, and for the purpose of securing the complete use and enjoyment of all said improvements for such municipality, to expend the proceeds of the sale of such bonds for the purpose of constructing a wharf or wharves, and a landing or landings, and purchasing such real estate as may be necessary for such wharf or wharves, and landing or landings, and the equipping and furnishing of the same and improving of the water front, for such municipality outside of its limits as well as within its limits, and within five miles of the corporate limits of such municipality, as such limits are now or may hereafter be established, and for the purpose of securing the complete use and enjoyment of all of said improvements for such municipality whether within or without its limits, and to repeal all laws or parts of laws in conflict with this act.

S. 202. To repeal the local road law of Wilcox county, Alabama, approved September 22nd, 1915.

S. 175. To make an appropriation for tick eradication in Alabama.

S. 196. To abolish the corporation of the town of Daleville, Dale county, Alabama.

S. 191. To appropriate the sum of two thousand two hundred fifteen and 76/100 ( \$2,215.76) dollars for the relief of the board of inspectors of convicts for coal furnished the legislative and other departments of government up to January 23rd, 1919.

S. 161. To authorize the issue of the bonds of the State to the amount of nine hundred and fifty-four thousand dollars for the purpose of refunding the bonds of the State maturing January 1st, 1920, issued under and by virtue of an act approved February 22, 1887, entitled, "An act to authorize the issue of the bonds of the State to the amount of nine hundred and fifty-four thousand dollars for the purpose of paying, taking up and cancelling the bonds of the State bearing six per cent per annum, issued under an act approved February 13, 1879, to provide for funding the domestic debt of the State," as amended by act approved February 27, 1889, to prescribe the rate of interest the said bonds shall bear, to fix the maturity thereof and to provide for the sale thereof.

S. 60. To declare all State lands, whether held in fee or in trust by the State, forest reserves and game refuges; to prohibit the cutting of any tree or timber thereon or setting fire to any inflammable substance growing on the same; to make it unlawful for any person to hunt, trap, net or otherwise kill or take any of the protected wild animals or resident birds thereon; to provide penalties for the violation of the provisions of this act, and to provide procedure in all cases where the State's right or title to such lands is brought into question or interposed as defense by any person or trial for violation of this act.

S. 120. To provide that fraternal insurance contracts shall not be contested after it has been enforced for two years for fraud or irregularities in the application, and that no misrepresentation or warranty in the negotiation of a contract of such insurance or in such contract of insurance, or application therefor, or proof of loss thereunder, shall defeat or avoid the policy, or prevent its attaching, unless made with actual intent to defraud or unless the matter misrepresented increase the risk of loss.

S. 84. To amend section 3613 of the Code of Alabama, 1907, as amended March 29, 1911.

S. 43. To amend section 4747 of the Civil Code of Alabama.  
Chas. McDowell, Jr.,  
Chairman.

#### SIGNING OF BILLS AND RESOLUTION.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills and joint resolutions:

S. J. R. 52. Relative to paying the recess committees of the Legislature from both houses the same per diem as members of the Legislature are now paid and their expenses while so engaged upon the certificate of the chairman of said committees.

Also:

S. 183. To regulate the appointment and prescribe the qualifications of staff officers, including pay, inspection, subsistence and medical departments in the National Guard.

Also:

S. 195. To extend the corporate limits of the city of Tuscaloosa.

Also:

S. 68. Relating to dependent, neglected, or delinquent children in all counties of Alabama which have a population of as many as one hundred and fifty thousand people according to the last Federal census, or which shall have such population according to any such census that may be taken hereafter; to define who are dependent, neglected or delinquent children; to declare that such children shall be wards of the State; to provide for their custody, discipline, supervision, care, protection, guardianship and welfare; to create and establish in such counties juvenile courts, and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction, under the terms of this act, to try and determine the question of the dependency, neglect or delinquency of children in such counties, and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training; and generally to confer upon such courts jurisdiction and power to try and determine all questions arising under the terms of this act, or which may be otherwise referred to them by law, for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this act; to provide for the trial and punishment of those who aid, abet, cause, connive at, or contribute to the dependency, neglect, or delinquency of such children; to provide and regulate the procedure in such cases, and to confer power upon such courts to make such rules and regulations and to devise such forms, where not otherwise provided for under the terms of this act, as shall be found necessary or convenient to the exercise of its jurisdiction, or which shall be necessary or convenient for the conduct of the county shelter, or parental school, or for the conduct of probation officers, or their work as provided for in this act; to provide for the taking and enforcement of recognizances and bonds, and for the taking of appeals

from the decisions of such courts; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent under the terms of this act; to provide for the establishment and maintenance of a detention home, or parental school, and for the appointment and compensation of probation officers; to provide for the appointment of a referee or referees and to define their power and duties; to provide for the appointment of an advisory board to such courts, and to define the duties and powers of such boards to provide for the appointment of the judge and other officers of such courts and to define their powers and duties and provide for their compensation; to declare that should any part of this act be found to be unconstitutional that it shall not affect the remainder thereof, and to provide for the repeal of all laws in conflict with this act.

Also:

S. 69. To regulate the practice of public accountancy by creating a State board of public accountancy, fixing its fees and emoluments; to prohibit the unlawful use of words, letters or other means of identification by unauthorized persons, as certified public accountants under this act, and to provide penalties for the violation of its provisions.

Also:

S. 139. To authorize and empower all municipal corporations which may have heretofore regularly issued bonds as provided by law for all or any of the purposes of constructing a wharf or wharves, and a landing or landings, and purchasing such real estate as may be necessary for such wharf or wharves, and landing or landings, and the equipping and furnishing of the same, and improving of the water front, for such municipality, and within its limits, and for the purpose of securing the complete use and enjoyment of all said improvements for such municipality, to expend the proceeds of the sale of such bonds for the purpose of constructing a wharf or wharves, and a landing or landings, and purchasing such real estate as may be necessary for such wharf or wharves, and landing or landings, and the equipping and furnishing of the same and improving of the water front, for such municipality outside of its limits as well as within its limits, and within five miles of the corporate limits of such municipality, as such limits are now or may hereafter be established, and for the purpose of securing the complete use and enjoyment of all of said improvements for such municipality whether within or without its limits, and to repeal all laws or parts of laws in conflict with this act.



Also:

S. 202. To repeal the local road law of Wilcox county, Alabama, approved September 22nd, 1915.

Also:

S. 175. To make an appropriation for tick eradication in Alabama.

Also:

S. 196. To abolish the corporation of the town of Daleville, Dale county, Alabama.

Also:

S. 191. To appropriate the sum of two thousand two hundred fifteen and 76/100 (\$2,215.76) dollars for the relief of the board of inspectors of convicts for coal furnished the legislative and other departments of government, up to January 23rd, 1919.

Also:

S. 161. To authorize the issue of the bonds of the State to the amount of nine hundred and fifty-four thousand dollars for the purpose of refunding the bonds of the State maturing January 1st, 1920, issued under and by virtue of an act approved February 22, 1887, entitled "An act to authorize the issue of the bonds of the State to the amount of nine hundred and fifty-four thousand dollars for the purpose of paying, taking up and cancelling the bonds of the State bearing six per cent per annum, issued under an act approved February 13, 1879, to provide for funding the domestic debt of the State," as amended by act approved February 27, 1889, to prescribe the rate of interest the said bonds shall bear, to fix the maturity thereof and to provide for the sale thereof.

Also:

S. 60. To declare all State lands, whether held in fee or in trust by the State, forest reserves and game refuges; to prohibit the cutting of any tree or timber thereon, or setting fire to any inflammable substance growing on the same; to make it unlawful for any person to hunt, trap, net or otherwise kill or take any of the protected wild animals or resident birds thereon; to provide penalties for the violation of the provisions of this act, and to provide procedure in all cases where the State's right or title to such lands is brought into question or interposed as defense by any person on trial for violation of this act.

Also:

S. 120. To provide that fraternal insurance contracts shall not be contested after it has been enforced for two years for fraud or irregularities in the application, and that no misrepresentation or warranty in the negotiation of a contract of such insurance or in such contract of insurance, or application there-

for, or proof of loss thereunder, shall defeat or avoid the policy, or prevent its attaching, unless made with actual intent to defraud or unless the matter misrepresented increase the risk of loss.

Also:

S. 84. To amend section 3613 of the Code of Alabama, 1907, as amended March 29, 1911.

Also:

S. 43. To amend section 4747 of the Civil Code of Alabama.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bills, your signature thereto is requested:

H. 127. To empower and direct the court of county commissioners, or board of revenue of Coffee county, to pay for the publication of notices of intention to apply for certain local laws applicable to entire county and when published by authority of member of Legislature of said county.

Also:

H. 227. To require all State officers and employees traveling at the expense of the State, to file a verified, itemized statement of expenses, with vouchers attached before warrants issue therefor, and to provide that where the law provides for a certain sum for traveling expenses, the same shall not be paid unless actually expended.

Also:

H. 241. To abolish the office of deputy solicitor of Covington county, and to repeal all laws general, special or local in conflict with the provisions of this act insofar as they relate to Covington county.

Also:

H. 334. To authorize the employment of pages and messengers of the House of representatives and Senate, and prescribe their qualifications.

Also:

H. 181. To prohibit persons from throwing into the public highways bottles, fragments of glass, tacks, nails, or other things likely to injure persons or vehicles passing along the highways.

Also:

H. 199. To prohibit the commissioners court of Coffee county from imposing on, or collecting from the owners of vehicles used upon the public roads of said county a vehicle license tax; and to repeal section 13 of an act of the Legislature of 1915,

approved September 22, 1915 (General Acts of 1915, p. 573), so far as the provisions thereof apply to said county of Coffee.

Fred H. Gormley,  
Clerk.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

H. 127. To empower and direct the court of county commissioners, or board of revenue of Coffee county, to pay for the publication of notices of intention to apply for certain local laws applicable to entire county and when published by authority of member of Legislature of said county.

Also:

H. 227. To require all State officers and employees traveling at the expense of the State, to file a verified, itemized statement of expenses, with vouchers attached before warrants issue therefor, and to provide that where the law provides for a certain sum for traveling expenses, the same shall not be paid unless actually expended.

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H. 241. To abolish the office of reputy solicitor of Covington county, and to repeal all laws general, special or local in conflict with the provisions of this act insofar as they relate to Covington county.

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H. 199. To prohibit the commissioners court of Coffee county from imposing on, or collecting from the owners of vehicles used upon the public roads of said county a vehicle license tax; and to repeal section 13 of an act of the Legislature of 1915, approved September 22, 1915 (General Acts of 1915, p. 573), so far as the provisions thereof apply to said county of Coffee.

## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bills, your signature thereto is requested:

H. 100. To repeal an act "To authorize persons who have practiced dentistry or dental surgery in the State of Alabama for twenty years or more, to practice the same," approved September 25, 1915.

Also:

H. 222. To repeal an act of the Legislature of Alabama entitled, "An act to provide a more efficient system for opening, building, changing, constructing and working the public roads of St. Clair county.—A board of road commissioners provide for, their appointment, how made. Vacancies, how filled. Organization of such board duties of the chairman, duties of the secretary-treasurer. Itemized account of receipts and disbursements to be published. Oath of office and bond to be given. Salaries provide for. Impeachment of the members of the board, how done. Authority, duties and powers of the board of road commissioners. Meetings, when and where held. Adoption of new laws, rules and regulations concerning the public roads, etc., and publication of same provided for. No person other than those sentenced to hard labor for the county shall be compelled to work on the public roads, etc. Per capita tax for road purposes provided for. Method of collecting the same to be provided by the board. Alphabetical list of those liable to such tax to be kept by beats. No exemption of property from payment of per capita tax. May be discharged by work under direction of the board. Misdemeanor to fail to pay such tax or to work eight days. Trials in name of State. Any person failing or refusing to discharge duties imposed guilty of misdemeanor. Penalties provided. Misdemeanor to violate the rules and regulations, etc., adopted by the board. Penalty for same. Court of county commissioners to levy special taxes for road purposes, how assessed and collected. Surplus in county treasury may be transferred to the board. Disposition of funds in hands of treasurer of board. Proceeds arising from bond issue, to be handled by such board. Condemnation proceedings provided. All rights, powers, duties, etc., on commissioners court with reference to public roads, etc., now conferred by general law of State available and applicable to such board of road commissioners. Repeal clause." Approved March 7, 1911. (Local Acts, 1911, pages 78-89, inc.)

Also:

H. 262. To amend act number 411 approved September 10th, 1915, entitled an act to designate certain public roads of the State

of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained.

Also:

H. 225. To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of Blount county, Alabama; to define the duties and powers of the court of county commissioners with regard to same, and to fix penalties for the violation of the rules, regulations and laws of the court of county commissioners.

Also:

H. 141. To amend subdivision 82½ of section 1 of an act entitled an act "To prescribe and fix the license or privilege tax to be paid by every person, firm, company, corporation or association engaged in any business, vocation, occupation, calling or profession in this State, or who shall in this State exercise any privileges, for which a license or privilege tax is or may be charged; to provide for and regulate the collection of such license or privilege tax; to fix the compensation to be paid for the collection of such license or privilege tax; to provide for the distribution, application and safe keeping of the funds arising from the collection of such license or privilege tax; to fix a penalty for doing business without a license, and to provide for the enforcement thereof, and to further provide for the general revenues," approved September 14, 1915.

Also:

H. 168. To amend section 1 of an act entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained, approved September 10, 1915.

Also:

H. 192. To provide for the establishment, construction, working and maintenance of private roads.

Fred H. Gormley,  
Clerk.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

H. 100. To repeal an act "To authorize persons who have practiced dentistry or dental surgery in the State of Alabama for twenty years or more, to practice the same," approved September 25, 1915.

Also:

H. 222. To repeal an act of the Legislature of Alabama entitled, "An act to provide a more efficient system for opening, building, changing, constructing and working the public roads of St. Clair county.—A board of road commissioners provide for, their appointment, how made. Vacancies, how filled. Organization of such board, duties of the chairman, duties of the secretary-treasurer. Itemized account of receipts and disbursements to be published. Oath of office and bond to be given. Salaries provided for. Impeachment of the members of the board, how done. Authority, duties and powers of the board of road commissioners. Meetings, when and where held. Adoption of new laws, rules and regulations concerning the public roads, etc., and publication of same provided for. No person other than those sentenced to hard labor for the county shall be compelled to work on the public roads, etc. Per capita tax for road purposes provided for. Method of collecting the same to be provided by the board. Alphabetical list of those liable to such tax to be kept by beats. No exemption of property from payment of per capita tax. May be discharged by work under direction of the board. Misdemeanor to fail to pay such tax or to work eight days. Trials in name of State. Any person failing or refusing to discharge duties imposed guilty of misdemeanor. Penalties provided. Misdemeanor to violate the rules and regulations, etc., adopted by the board. Penalty for same. Court of county commissioners to levy special taxes for road purposes, how assessed and collected. Surplus in county treasury may be transferred to the board. Disposition of funds in hands of treasurer of board. Proceeds arising from bond issue, to be handled by such board. Condemnation proceedings provided. All rights, powers, duties, etc., on commissioners court with reference to public roads, etc., now conferred by general law of State available and applicable to such board of road commissioners. Repeal clause." Approved March 7, 1911. (Local Acts, 1911, pages 78-89 inc.)

Also:

H. 262. To amend act number 411 approved September 10th, 1915, entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained.

Also:

H. 225. To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of Blount county, Alabama; to define the duties and powers of the court of county commissioners with regard

to same, and to fix penalties for the violation of the rules, regulations and laws of the court of county commissioners.

Also:

H. 141. To amend subdivision 82½ of section 1 of an act entitled an act "To prescribe and fix the license or privilege tax to be paid by every person, firm, company, corporation or association engaged in any business, vocation, occupation, calling or profession in this State, or who shall in this State exercise any privileges, for which a license or privilege tax is or may be charged; to provide for and regulate the collection of such license or privilege tax; to fix the compensation to be paid for the collection of such license or privilege tax; to provide for the distribution, application and safe keeping of the funds arising from the collection of such license or privilege tax; to fix a penalty for doing business without a license, and to provide for the enforcement thereof, and to further provide for the general revenues," approved September 14, 1915.

Also:

H. 168. To amend section 1 of an act entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained, approved September 10, 1915.

Also:

H. 192. To provide for the establishment, construction, working and maintenance of private roads.

#### REPORT FROM SECRETARY OF STATE.

Montgomery, February 17, 1919.

*To the Speaker of the House of Representatives and the Presiding Officer of the Senate:*

Gentlemen:

Complying with the provisions of House joint resolution No. 53, adopted by the House and Senate on February 14th, 1919, and approved by the Governor on February 17th, 1919, I submit herewith a statement showing the exact number of copies of each volume of the Reports of Alabama Court of Appeals printed in the years 1915, 1916, 1917, and 1918, respectively, together with the total cost paid the State printer for each volume, and the number of copies of each volume sold to the public, the number of copies of each volume distributed as required by law, the number of copies of each volume deposited with the department of archives and history under the provisions of section 800 of the Code of 1907, the number of copies of each volume remaining in the hands of the printer under the provisions of an act approved September 22nd, 1915, and the number of copies of each volume now in the custody of the Secretary of State.

Respectfully,

Wm. P. Cobb,  
Secretary of State.

STATEMENT REGARDING THE PUBLICATION AND DISTRIBUTION OF THE REPORTS OF THE ALABAMA COURT OF APPEALS, FEBRUARY 17, 1919.

No. of Volume	Date Printed	No. Printed	No. Dist. According to Law	No. Sold to Public	No. in Hands of Printer	No. Del. Dept. Arch. & Hist.	No. on Hand	Total Cost
No. 11-----	May, 1915	1,500	246	198	-----	1	1,055	\$2,040.44
No. 12-----	Nov., 1915	1,500	247	187	-----	1	1,065	2,040.00
No. 13-----	Oct., 1916	1,500	247	172	-----	1	1,080	2,040.00
No. 14-----	May, 1917	1,200	210	144	25	1	820	1,680.00
No. 15-----	Dec., 1918	1,200	213	19	25	1	942	1,920.00

REPORT OF SECRETARY OF STATE.

On motion of Mr. Bedsole the foregoing report from the Secretary of State was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following:

H. J. R. 73. Resolved by the House, the Senate concurring, That the recess committee appointed to investigate the judiciary system be also required to investigate the number of Supreme and Appellate Court reports necessary to be printed for distribution, the cost thereof, and ways and means for future publication of said reports with a view to preventing waste and unnecessary expenditures in the publication of said reports, and to report their findings to the House and Senate as early as possible after the reconvening of same.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

HOUSE MESSAGE.

On motion of Mr. Gunter, House resolution No. 73, set out in the foregoing message from the House, was, under a suspension of the rules, adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the amendment proposed by the governor to the bill:



S. 180. To regulate inferior courts or courts of common pleas, or by whatsoever name the same is known and called, in cities having as many as thirty-five thousand, and less than fifty thousand population, according to the last or any subsequent Federal census; to provide and define the jurisdiction and powers of such courts; to provide for the judges and officers of such courts, and their powers, duties and compensation and to fix the fees and costs for such courts; to provide the rules of procedure for such courts, and for the operation thereof; and to provide for registering, and a lien for its judgment; and to abolish justices of the peace in such cities.

By a vote of yeas, 62; nays, 0, which was a majority of the whole number elected to the House, and returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

*To the Senate of Alabama:*

Pursuant to the authority and duty imposed upon me, I hereby appoint for service on the committee created by Senate joint resolution No. 24, relating to the working of convicts and to public roads and highways, the following members of the Senate, namely: Messrs. Leith, Rogers of Sumter and Craft.

And on the committee created by the House joint resolution No. 31, relating to a Code and to the re-establishment of chancery courts and to the recircuiting of the circuit courts, the following members of the Senate, namely: Messrs. Griffith, Sims and Prestwood.

And on the committee created by House joint resolution No. 58, creating a committee to assist the State budget commission during the recess, the following named senators: Messrs. Butler and Briscoe.

Respectfully submitted,

Nathan L. Miller,  
Lieutenant Governor and President of the Senate.

#### APPOINTMENT OF RECESS COMMITTEES.

Pursuant to:

S. J. R. 24. Creating a recess committee to investigate the question of the working of convicts, and also the question of public roads and highways.

Heretofore adopted, the President of the Senate appointed as members of said joint recess committee from the Senate, Messrs. Leith, Rogers of Sumter and Craft.

And pursuant to:

H. J. R. 31. Creating a Code committee and committee to consider the question of the re-establishing of the chancery courts and the re-circuiting of the circuit courts.

Heretofore adopted, the President of the Senate, named as members of said joint recess committee from the Senate, Messrs. Griffith, Sims and Prestwood.

And pursuant to:

H. J. R. 58. Creating a joint recess committee to sit with and assist the budget commission during the recess.

Heretofore adopted, the President of the Senate named as members of said joint recess committee from the Senate Messrs. Butler and Briscoe.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in Senate amendment to the bill:

H. 178. To provide for the incorporation of societies of persons seeking to promote the development or betterment of communities, municipalities or counties in this State or other public purposes, without pecuniary profit to the individual members; and to exempt the property of such societies from taxation.

Fred H. Gormley,  
Clerk.

#### MESSAGE FROM THE HOUSE.

Mr. President:

Under joint resolution heretofore adopted raising committees to sit during the recess, the Speaker has appointed the following members on said committees:

Judiciary: Messrs. Lynne, Tunstall, Sparks, Tompkins, Cobbs.

Public Roads and Penitentiary: Messrs. Dansby, Arnold, Greene, Ross, Orr.

Budget Committee: Messrs. Murphree, Cliett, Long of Sumter.

Fred H. Gormley,  
Clerk.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed:

S. J. R. 72. Relative to the appointment of a joint committee to represent Alabama at a good roads meeting at Mineral Wells, Texas, April 14th to 19th.

And returns same to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Craft, the Senate concurred in the following amendment by the House to S. J. R. 72, the title of which is set out in the foregoing message from the House, to-wit:

Amend by adding: "That said joint committee shall be named by the President of the Senate and the Speaker of the House."

#### MESSAGE FROM THE HOUSE.

Mr. President:

Under a joint resolution heretofore adopted, the Speaker names on part of the House, Messrs. Jones of Montgomery, Carnley and Alexander to attend the good roads convention at Mineral Wells, Texas.

Fred H. Gormley,  
Clerk.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the amendment proposed by the governor to the bill:

H. 163. To amend section 5 of an act to amend sections 6006, 1657, 1664 and 1669 of the Code so as to regulate the publishing of the reports of the Supreme Court, Court of Appeals, Acts, Journals and public printing, approved September 22, 1915.

Said governor's amendment being as follows:

*To the Honorable the House of Representatives:*

I return herewith House bill 163 in reference to public printing in order to propose an amendment in two particulars to meet my objection to the bill in its present form. From a study of the figures in reference to the printing of the general and local acts of 1915 and the number of each that has been disposed of up to this time in comparison with the number that was printed, I am of the opinion that five thousand (5,000) copies of the general acts of 1919 will be more than will be needed and that four thousand (4,000) copies of said general acts will suffice, and that two thousand (2,000) copies of the local acts of 1919 are more than will be needed and that fifteen hundred (1,500) copies of such local acts will suffice. Therefore, I propose the following amendment to meet my objections

to the bill in its present form, in the interest of economy and the saving of money:

Strike out the words "five thousand" before the word "copies" and insert in lieu thereof the words "four thousand" in reference to the number of copies of general laws that shall be bound, and strike out the words "two thousand" just before the word "copies" and insert in lieu thereof "fifteen hundred" in reference to the number of copies of the local laws that are to be bound, so as to provide that the general laws shall be bound in one volume in an edition of four thousand (4,000) copies and the local laws in one volume in an edition of fifteen hundred (1,500) copies.

Respectfully submitted,

Thos. E. Kilby,  
Governor.

February 17, 1919.

Which was adopted by a vote of yeas, 63; nays, 0, which was a majority of the whole number elected to the House and sends same herewith to the Senate with the governor's amendment attached for your consideration and action.

Fred H. Gormley,  
Clerk.

#### HOUSE AND GOVERNOR'S MESSAGE.

On motion of Mr. Rogers of Sumter, the Senate concurred in and adopted the amendment proposed by His Excellency, the governor, to House bill 163, the title to which is set out in the foregoing message from the House, and said amendment being also set out in the foregoing message from the House.

Yeas, 22; nays, 0.

*Yeas:*

Messrs:

Acker

Baker

Beale

Bedsole

Briscoe

Brown

Butler

Carlton

Carmichael

Cowan

Craft

Ellis

Gunter

Kelly

Miller

Morris

Norwood

Prestwood

Rogers (Sumter)

Sims

Smith (Coosa)

West

—22

*Nays:*—None.

Which was a majority of the whole number elected to the Senate.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the amendment proposed by the governor to the bill:

H. 105. To provide for the control of venereal diseases by an ante-nuptial physical examination of men, which shall be

done within fifteen days before granting marriage license, fixing penalties for non-compliance.

Said governor's amendment being as follows:

*To the Honorable the House of Representatives:*

I return herewith House bill No. 105 in order that the penal clause in section 3 may be more clearly and accurately expressed, since in its present form there is a clause therein which renders its meaning uncertain and obscure, and in order to remove my objection upon the grounds stated I propose the following amendment:

Amend section 3 of the bill so as to read as follows:

"Any judge of probate who shall unlawfully issue a license to marry any male person who fails to present and file with the probate judge a certificate required by section 1 of this act shall be guilty of a misdemeanor and shall upon conviction, be fined not less than \$50.00 nor more than \$100.00, or be sentenced to hard labor for the county not exceeding six months, one or both in the discretion of the court of judge trying the case."

Respectfully submitted,

Thos. E. Kilby,  
Governor.

February 17, 1919.

Which was adopted by a vote of Yeas, 64; nays, 0, which was a majority of the whole number elected to the House, and sends same herewith to the Senate with the governor's amendment attached for your consideration and action.

Fred H. Gormley,  
Clerk.

#### HOUSE AND GOVERNOR'S MESSAGE.

On motion of Mr. Gunter, the Senate concurred in and adopted the amendment proposed by His Excellency, the governor, to House bill 105, the title of which is set out in the foregoing message from the House, and said amendment being also set out in the foregoing message from the House.

Yeas, 21; nays, 1.

*Yeas:*

Messrs:

Acker	Cowan	Kelly	Prestwood
Beale	Ellis	Miller	Rogers (Sumter)
Bedsole	Evins	Morris	Sims
Briscoe	Gunter	McDowell	Smith (Coosa)
Butler	Huddleston	Phillips	West
Carlton			

—21

*Nays:*

Mr. Baker—1.

Which was a majority of the whole number elected to the Senate.

## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bill, your signature thereto is requested:

H. 163. To amend section 5 of an act to amend sections 6006, 1657, 1664 and 1669 of the Code so as to regulate the publishing of the reports of the Supreme Court, Court of Appeals, Acts, Journals, and public printing, approved September 22, 1915.

Fred H. Gormley,  
Clerk.

## SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following bill:

H. 163. To amend section 5 of an act to amend sections 6006, 1657, 1664 and 1669 of the Code so as to regulate the publishing of the reports of the Supreme Court, Court of Appeals, Acts, Journals, and public printing, approved September 22, 1915.

## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bills, your signature thereto is requested:

H. 21. To amend the caption and sections one, two, three, four, five, six, seven, eight, nine and ten of "An act, to protect women and children from desertion and non-support by husbands and parents; making it a misdemeanor for a husband to desert or neglect to provide for the support of his wife, or for a parent to desert or neglect to provide for the support of his or child, or children, under the age of sixteen years; prescribing the penalty therefor, and making provisions for the apprehension and punishment of persons convicted of non-support or desertion; and providing for the taking of recognizances; and for the forfeiture and enforcement of said recognizances; also providing for the appointment of probation officers and prescribing their duties and powers; and making chiefs of police and sheriffs and other peace officers, probation officers, in certain contingencies, and designating the courts which shall have jurisdiction of such matters. Approved September 16th, 1915.

Also:

H. 201. To make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the

State, and for the interest on the public debt, and for the public schools for that part of the fiscal year beginning April 1, 1919, and ending April 1, 1919, and ending September 30, 1919.

Also:

H. 178. To provide for the incorporation of societies of persons seeking to promote the development or betterment of communities, municipalities or counties in this State or other public purposes, without pecuniary profit to the individual members; and to exempt the property of such societies from taxation.

Also:

H. 105. To provide for the control of venereal diseases by an ante-nuptial physical examination of men, which shall be done within fifteen days before granting marriage license, fixing penalties for non-compliance.

Fred H. Gormley,  
Clerk.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

H. 21. To amend the caption, and sections one, two, three, four, five, six, seven, eight, nine and ten of "An act to protect women and children from desertion and non-support by husbands and parents; making it a misdemeanor for a husband to desert or neglect to provide for the support of his wife, or for a parent to desert or neglect to provide for the support of his or her child, or children, under the age of sixteen years; prescribing the penalty therefor, and making provisions for the apprehension and punishment of persons convicted of non-support or desertion; and providing for the taking of recognizances; and for the forfeitures and enforcement of said recognizances; also providing for the appointment of probation officers and prescribing their duties and powers; and making chiefs of police and sheriffs and other peace officers, probation officers, in certain contingencies, and designating the courts which shall have jurisdiction of such matters. Approved September 16th, 1915.

Also:

H. 201. To make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, and for the interest on the public debt, and for the public schools for that part of the fiscal year beginning April 1, 1919, and ending April 1, 1919, and ending September 30, 1919.

Also:

H. 178. To provide for the incorporation of societies of persons seeking to promote the development or betterment of communities, municipalities or counties in this State or other public purposes, without pecuniary profit to the individual members; and to exempt the property of such societies from taxation.

Also:

H. 105. To provide for the control of venereal diseases by an ante-nuptial physical examination of men, which shall be done within fifteen days before granting marriage license, fixing penalties for non-compliance.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following joint resolution, your signature thereto is requested:

H. J. R. 73. Relative to the committee appointed to investigate the judiciary system, to also investigate the number of Supreme and Appellate Court Reports necessary to be printed.

Fred H. Gormley,  
Clerk.

#### SIGNING OF JOINT RESOLUTION.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following joint resolution:

H. J. R. 73. Relative to the committee appointed to investigate the judiciary system, to also investigate the number of Supreme and Appellate Court Reports necessary to be printed.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills beg leave to report that said committee, in session, have compared the following enrolled bills and joint resolutions, with the engrossed and original bills and joint resolutions, respectively, and find same correctly enrolled, to-wit:

S. J. R. 55. Relative to the Senate of Alabama, the House concurring, memorializing the president of the United States, secretary of war and Congress of the United States not only to continue the nitrate development at Muscle Shoals but to enlarge the same.



S. J. R. 66. Relative to printing 3,000 copies of the General Acts passed by the Legislature of Alabama at this session and that same be printed as herein specified.

S. J. R. 67. Relative to extending thanks to our senior senator, John H. Bankhead, (from the Legislature of Alabama) for his untiring efforts in behalf of good roads of the country and especially Alabama.

S. J. R. 64. Relative to the Senate and the House concurring, requesting that the solicitors of Alabama dismiss any misdemeanor charge against any soldier who answered the call of his country and in case he was already convicted of any misdemeanor charge and went to the front, the governor is respectfully requested to pardon him, so that he can enter civil life without embarrassment.

S. 198. To create a commission to be known as the Alabama post-war council of defense, to prescribe its powers and duties, to designate members ex-officio and other members to provide for co-operation between the State and the Federal government and between the State and other agencies in meeting the exigencies and emergencies incident to post-war readjustment, and to make an appropriation for the carrying out of the provisions of this act.

S. J. R. 70. Relative to giving the Secretary of the Senate and the Clerk of the House, together with their assistants, not less than 20 days to check up, compare and arrange the Journals and registers of the Senate and House, and that they be allowed the per diem as is now allowed by law. Provided the clerks are relieved from service when the work is finished.

S. 203. To further authorize the governor to enforce the laws and preserve the peace of the State and to prescribe the means whereby this duty may be performed by the governor.

S. 91. To authorize the court of county commissioners or other governing body by whatever name called, to establish private roads and to provide for their upkeep and payment of damages to landowners over whose land road passes.

S. 180. To regulate inferior courts or courts of common pleas, or by whatsoever name the same is known and called, in cities having as many as thirty-five thousand, and less than fifty thousand population, according to the last or any subsequent Federal census; to provide and define the jurisdiction and powers of such courts; to provide for the judges and officers of such courts, and their powers, duties and compensation and to fix the fees and costs for such courts; to provide the rules of procedure for such courts, and for the operation thereof; and to provide for registering, and a lien for its judgments; and to abolish justices of the peace in such cities.

S. 148. To grant to the United States government a site for a maritime quarantine station, including the conveyance of needful soil now or heretofore covered by navigable waters of the State of Alabama, and to cede jurisdiction thereof.

S. 201. To repeal "An act entitled an act to provide for the working, grading, improvement and building of the public roads and bridges of Coosa county, Alabama, and to provide revenue for doing same."

S. 83. To amend section 1309 of the Code of Alabama, 1907.

S. 176. To prohibit the shipment of oysters in the shell out of the State of Alabama by water, and provide for the culling of the oysters, when taken from the waters of the State, and prescribing who make take oysters from the waters, or shrimp from the waters of the State, and upon what terms, and prohibiting the catching or transportation of shrimp from the waters of this State, except by bona fide residents of the State for not less than one year and requiring dealers in oysters to pay a license.

S. 54. To prohibit the erection and maintenance of advertising signs resembling railroad crossing signs on the public highways, and on private property within one-fourth of a mile of the right of way of a public road, and to provide penalties for the violation of the provisions of this act.

S. 165. To authorize a State board of examiners to issue emergency certificates good until the July, 1919, examination.

S. 108. To authorize the trial court to impose an indeterminate sentence in all felonies for which the court fixes the punishment; and to provide for the parole of convicts under indeterminate sentence and to authorize the board of pardons to establish rules in the matter of paroles.

S. 194. To establish a board of revenue for Sumter county, and for the abolishment of the court of county commissioners of said county.

Chas. McDowell, Jr.,  
Chairman.

#### SIGNING OF BILLS AND RESOLUTIONS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills and resolutions:

S. J. R. 55. Relative to the Senate of Alabama, the House concurring, memorializing the president of the United States,

secretary of war and Congress of the United States not only to continue the nitrate development at Muscle Shoals but to enlarge the same.

S. J. R. 66. Relative to printing 3,000 copies of the General Acts passed by the Legislature of Alabama at this session and that same be printed as herein specified.

S. J. R. 67. Relative to extending thanks to our senior senator, John H. Bankhead, (from the Legislature of Alabama) for his untiring efforts in behalf of good roads of the country and especially Alabama.

S. J. R. 64. Relative to the Senate and the House concurring, requesting that the solicitors of Alabama dismiss any misdemeanor charge against any soldier who answered the call of his country and in case he was already convicted of any misdemeanor charge and went to the front, the governor is respectfully requested to pardon him, so that he can enter civil life without embarrassment.

S. 198. To create a commission to be known as the Alabama post-war council of defense, to prescribe its powers and duties, to designate members ex-officio and other members to provide for co-operation between the State and the Federal government and between the State and other agencies in meeting the exigencies and emergencies incident to post-war readjustment, and to make an appropriation for the carrying out of the provisions of this act.

S. J. R. 70. Relative to giving the Secretary of the Senate and the Clerk of the House, together with their assistants, not less than 20 days to check up, compare and arrange the Journals and registers of the Senate and House, and that they be allowed the per diem as is now allowed by law. Provided the clerks are relieved from service when the work is finished.

S. 203. To further authorize the governor to enforce the laws and preserve the peace of the State and to prescribe the means whereby this duty may be performed by the governor.

S. 91. To authorize the court of county commissioners or other governing body by whatever name called, to establish private roads and to provide for their upkeep and payment of damages to landowners over whose land road passes.

S. 180. To regulate inferior courts or courts of common pleas, or by whatsoever name the same is known and called, in cities having as many as thirty-five thousand, and less than fifty thousand population, according to the last or any subsequent Federal census; to provide and define the jurisdiction and powers of such courts; to provide for the judges and officers of such courts, and their powers, duties and compensation and to fix the fees and

costs for such courts; to provide the rules of procedure for such courts, and for the operation thereof; and to provide for registering, and a lien for its judgments; and to abolish justices of the peace in such cities.

S. 148. To grant to the United States government a site for a maritime quarantine station, including the conveyance of needful soil now or heretofore covered by navigable waters of the State of Alabama, and to cede jurisdiction thereof.

S. 201. To repeal "An act entitled an act to provide for the **working, grading, improvement** and building of the public roads and bridges of Coosa county, Alabama, and to provide revenue for doing same."

S. 83. To amend section 1309 of the Code of Alabama, 1907.

S. 176. To prohibit the shipment of oysters in the shell out of the State of Alabama by water, and provide for the culling of the oysters, when taken from the waters of the State, and prescribing who make take oysters from the waters, or shrimp from the waters of the State, and upon what terms, and prohibiting the catching or transportation of shrimp from the waters of this State, except by bona fide residents of the State for not less than one year and requiring dealers in oysters to pay a license.

S. 54. To prohibit the erection and maintenance of advertising signs resembling railroad crossing signs on the public highways, and on private property within one-fourth of a mile of the right of way of a public road, and to provide penalties for the violation of the provisions of this act.

S. 165. To authorize a State board of examiners to issue emergency certificates good until the July, 1919, examination.

S. 108. To authorize the trial court to impose an indeterminate sentence in all felonies for which the court fixes the punishment; and to provide for the parole of convicts under indeterminate sentence and to authorize the board of pardons to establish rules in the matter of paroles.

S. 194. To establish a board of revenue for Sumter county, and for the abolishment of the court of county commissioners of said county.

#### REPORT OF SECRETARY.

*To the Senate:*

Gentlemen: I submit the following report, made pursuant to joint rule No. 5, relative to the delivery of enrolled and signed bills to the governor, to-wit:

S. 4. To amend section 3722 of the Code of 1907.

Delivered to the governor January 23, 10:45 A. M.

S. 5. To amend an act entitled "An act to fix the compensation of circuit judges, circuit solicitors, and assistant solicitors

in all circuits in the State of Alabama which circuits are composed of only one county and having two or more judges, or which circuits may hereafter have two or more judges, and to provide that a portion of such salaries be paid out of the county treasury of the counties constituting the respective circuits" by amending the title of said act and by adding thereto an additional section.

Delivered to the governor January 18, 4 P. M.

S. 27. To establish the court of county commissioners for Covington county, Alabama; to provide for the selection of its members and fix their duties and compensation; to fix the duties and jurisdiction of the court; to divide the county into commissioner's districts, and to abolish the board of revenue of said county.

Delivered to the governor February 3, 4 P. M.

S. 28. To amend section 883 of the Code of Alabama.

Delivered to the governor February 5, 4:35 P. M.

S. 31. To amend sections 7 and 23a of an act approved April 24th, 1911, entitled an act for the regulation and control of fraternal benefit societies and repealing said sections 7 and 23a," and authorizing issuance of certificates to children and a basis of valuation of assets.

Delivered to the governor February 16, 10:15 A. M.

S. 89. To provide for the appointment of a commission to make a study of the public school system of Alabama and to make an appropriation therefor.

Delivered to the governor February 5, 12:30 P. M.

S. 131. To amend section 563 of the Code, relating to servants of the executive offices.

Delivered to the governor February 13, 10:55 A. M.

S. 152. To provide for the clerk of the circuit court of Barbour county to be ex-officio clerk of the county court of Barbour county, to provide the compensation for his services, and to provide for the services of the sheriff of Barbour county in the county court and to fix the compensation for his services in said court.

Delivered to the governor February 13, 10:55 A. M.

S. 74. To better secure the administration of the financial affairs of the State in respect to expenditures and appropriations; and for that purpose to establish a State budget commission, and prescribe rules and regulations governing same.

Delivered to the Governor February 6, 1919, at 10:40 A. M.

S. 18. To authorize and empower all cities of the State of Alabama having more than 100,000 population according to the last or any subsequent Federal census to condemn or acquire by

purchase or otherwise a right of way, easement or other interest in land for the purpose of connecting private property with the sanitary or storm sewerage system of any such city, and to assess the cost of the acquisition of such right of way, easement or other interest in such land and the cost of constructing such connection, against the property benefited thereby.

Delivered to the Governor February 6, 1919, at 10:40 A. M.

S. 19. To authorize and empower all cities of the State of Alabama which have a population of more than 100,000, according to the last or any subsequent Federal census, to construct, reconstruct, repair, ~~renew or otherwise improve~~ bridges, culverts, and waterways, and to provide for an assessment of the cost thereof.

Delivered to the Governor February 6, 1919, at 10:40 A. M.

S. 15. To amend section 6657 of the Code of Alabama. Relates to jurors.

Delivered to the governor February 6, 1919, at 5:25 P. M.

S. 97. To make an appropriation for the equipment and maintenance of the Alabama room in the Confederate memorial museum at Richmond, Va.

Delivered to the governor February 6, 1919, at 5:25 P. M.

S. 101. To create a State board of control and economy.

Delivered to the governor February 7, 1919, at 3:05 P. M.

S. 127. To authorize the governor to remove at his pleasure any officer or employee of the State.

Delivered to the governor February 7, 1919, at 3:05 P. M.

S. 23. To authorize municipalities to maintain a bill in equity in the name of the city to abate or enjoin a public nuisance injurious to the health, morals, comfort or welfare of the community.

Delivered to the governor February 7, 1919, at 3:05 P. M.

S. J. R. 40. Relative to the budget commission which sits during the split session of the Legislature, giving special consideration to the needy Confederate veterans of our State and recommend that a fixed monthly pension to be paid quarterly, be given each one that will accept it except those cared for by the Confederate home.

Delivered to the governor February 11, 1919, at 4 o'clock P. M.

S. 25. To prescribe the limitations within which actions to test the validity of municipal bonds or elections to levy taxes or to issue bonds shall be commenced.

Delivered to the governor February 11, 1919, at 4 o'clock P. M.

S. 58. To amend section 6964 of chapter 224 of the Code of 1907.

Delivered to the governor February 11, 1919, at 4 o'clock P. M.

S. 92. To declare and abate nuisances defined in the act, and to prescribe procedure, remedies, punishments and penalties.

Delivered to the governor February 11, 1919, at 4 o'clock P. M.

S. 82. To provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty cents (30) on each one hundred (100) dollars worth of taxable property in such county; to authorize any school district, in any county that may be levying special county taxes for school purposes of not less than thirty (30) cents on each one hundred (100) dollars worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars worth of taxable property in such school district; and to authorize boards of education to issue interest-bearing warrants, to erect, repair and equip school buildings and to otherwise improve school facilities.

Delivered to the governor February 12, 1919, at 3:10 P. M.

S. 17. To regulate the assessment of cost of public improvements against property by municipalities, and to provide a method by which assessments originally levied against a tract of land may be split and divided among the interested property owners, and providing for the correction of errors in the descriptions of ownerships, and for reducing the assessments before, pending appeal, or after an appeal has been decided, and authorizing the governing bodies of cities to settle and compromise cases of assessments or judgments thereon.

Delivered to the governor February 12, 1919, at 3:10 P. M.

S. 34. To amend section 3101 of the Code.

Delivered to the governor February 12, 1919, at 3:10 P. M.

S. 90. To provide for extension work in agriculture and home economics by giving instruction to men, women and young people in the several counties in Alabama, by continuing and improving farm demonstration work, by organizing marketing clubs, by organizing and supervising boys' corn and pig clubs, girls' canning clubs, women's clubs in home economics and by conducting other extension work through other means, all with a view to making farm life more profitable and attractive. To secure for Alabama the full amount of the funds conditionally appropriated by Congress under the Smith-Lever extension act

for extension work in agriculture and home economics, and to make appropriations for these purposes.

Delivered to the governor February 12, 1919, at 3:10 P. M.

S. J. R. 24. Relative to a joint committee from the Senate and House of Representatives of the Alabama Legislature consisting of three members from the Senate to be appointed by the President of the Senate and five from the House to be appointed by the Speaker of the House, which shall sit during the recess of the Legislature to consider the several subjects referred to in this act.

Delivered to the governor February 13, 1919, at 10:55 A. M.

S. 70. To provide a better system of public roads for the county of Cullman, State of Alabama.

Delivered to the governor February 13, 1919, at 10:55 A. M.

S. 10. To appropriate the sum of seventy thousand (\$70,000) dollars for the payment of the amounts due by the State to the sheriffs of the counties in the State for feeding prisoners in the county jails during the fiscal years 1916 and 1917, and which are unpaid.

Delivered to the governor February 14, 1919, at 11:40 A. M.

S. 143. To create the office of assistant clerk of the inferior criminal court of Mobile county, prescribe his or her duties, fix his or her salary and provide for the method of selection for said office.

Delivered to the governor February 14, 1919, at 10:40 A. M.

S. 65. To protect wild fur-bearing animals; to provide a season during which they may be legally trapped or taken; to provide a license for those engaged in trapping wild fur-bearing animals; and to provide penalties for the violation of this act.

Delivered to the governor February 14, 1919, at 11:40 A. M.

S. 151. To amend section two of an act "To regulate the practice of veterinary medicine and surgery in the State of Alabama and establish a veterinary medical examining board," approved March 17, 1915.

Delivered to the governor February 14, 1919, at 11:40 A. M.

S. 181. To amend an act entitled an act "To provide for and regulate the manufacture and sale of "commercial feeding stuffs" in Alabama; to further provide for the registration, tagging, sampling, and analyzing "commercial feeding stuffs" and to fix penalties for violations of this act," so as to regulate the sale of "commercial feeding stuffs;" to define the same, and to prohibit the adulteration thereof, to provide for their correct weight, sampling, analyses, and marketing; to authorize the commissioner of agriculture and industries to prescribe rules and regulations for carrying out the provisions of this act; to establish in



the department of agriculture and industries, a division of foods, feeds, and drugs, to be charged with the execution of this act; to authorize the commissioner of agriculture and industries to appoint an assistant as supervisor of said division, and to appoint other necessary clerical assistants; to provide for the payment of salaries and expenses out of funds accruing hereunder; and to fix penalties for violation of this act.

Delivered to the governor February 14, 1919, at 11:40 A. M.

S. 182. To authorize and empower the governor of Alabama to make and publish rules and regulations for the reorganization of the National Guard in conformity to acts of Congress relating to the National Guard; to authorize the governor to take necessary steps towards procuring aid, equipment and appropriations from the Federal government for the National Guard.

Delivered to the governor February 14, 1919, at 11:40 A. M.

S. 102. To provide for the consolidation of corporations not of a business character.

Delivered to the governor February 14, 1919, at 11:40 A. M.

S. 180. To regulate inferior courts or courts of common pleas, or by whatsoever name the same is known and called, in cities having as many as thirty-five thousand, and less than fifty thousand population, according to the last or any subsequent Federal census; to provide and define the jurisdiction and powers of such courts; to provide for the judges and officers of such courts, and their powers, duties and compensation and to fix the fees and costs for such courts; to provide the rules of procedure for such courts, and for the operation thereof; and to provide for registering, and a lien for its judgments; and to abolish justices of the peace in such cities.

Delivered to the governor February 14, 1919, at 11:40 A. M.

S. 123. To create a county highway commission for Walker county, Alabama, and to define the powers and duties thereof.

Delivered to the governor February 14, 1919, at 11:40 A. M.

S. 94. To authorize the governor to make a temporary appointment to fill a vacancy in the office of senator from the State of Alabama in the Senate of the United States.

Delivered to the governor February 14, 1919, at 11:40 A. M.

S. 122. To provide that municipal corporations shall have a lien on the property used in any exhibition, trade, business, vocation, occupation or profession, for which a license is required, and to provide for the enforcement of such lien.

Delivered to the governor February 14, 1919, at 11:30 A. M.

S. 62. To change the date of the expiration of hunters licenses from December 31st each year to September 30th each year, and to permit all persons to whom hunters licenses have been issued

for the calendar year 1919 to exchange such licenses during the month of September, 1919, for hunters licenses expiring September 30, 1920, upon the surrender of the hunters licenses issued to them for the calendar year 1919, and allowing them a credit in the amount of one-fourth of the purchase price of such licenses.

Delivered to the governor February 14, 1919, at 4:30 P. M.

S. 56. To regulate in part the time of trial of criminal cases.

Delivered to the governor February 14, 1919, at 4:30 P. M.

S. 103. To revoke conditional and contingent appropriations heretofore made by the Legislature (except appropriations for the payment of pensions to Confederate veterans, and appropriations for the support of public schools made by act approved April 18, 1911) insofar as they remain unpaid at the time of the passage of this act and to repeal such existing appropriation acts insofar as the appropriations respectively remain unpaid.

Delivered to the governor February 14, 1919, at 4:30 P. M.

S. 141. To authorize and empower the governor to employ an expert accountant to make a complete statement of the State's finances, showing all unpaid bills and accounts and the resources for the payment of the same.

Delivered to the governor February 14, 1919, at 4:30 P. M.

S. 68. Relating to dependent, neglected, or delinquent children in all counties of Alabama which have a population of as many as one hundred and fifty thousand people according to the last Federal census, or which shall have such population according to any such census that may be taken hereafter; to define who are dependent, neglected or delinquent children; to declare that such children shall be wards of the State; to provide for their custody, discipline, supervision, care, protection, guardianship and welfare; to create and establish in such counties juvenile courts, and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction, under the terms of this act, to try and determine the question of the dependency, neglect or delinquency of children in such counties, and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training; and generally to confer upon such courts jurisdiction and power to try and determine all questions arising under the terms of this act, or which may be otherwise referred to them by law, for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this act; to provide for the trial and punishment of those who aid, abet, cause, connive at, or contribute to the dependency, neglect, or delinquency of such children; to provide and regulate the procedure in such

cases, and to confer power upon such courts to make such rules and regulations and to devise such forms, where not otherwise provided for under the terms of this act, as shall be found necessary or convenient to the exercise of its jurisdiction, or which shall be necessary or convenient for the conduct of the county shelter, or parental school, or for the conduct of probation officers, or their work as provided for in this act; to provide for the taking and enforcement of recognizances and bonds, and for the taking of appeals from the decisions of such courts; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent under the terms of this act; to provide for the establishment and maintenance of a detention home, or parental school, and for the appointment and compensation of probation officers; to provide for the appointment of a referee or referees and to define their power and duties; to provide for the appointment of an advisory board to such courts, and to define the duties and powers of such boards; to provide for the appointment of the judge and other officers of such courts and to define their powers and duties and provide for their compensation; to declare that should any part of this act be found to be unconstitutional that it shall not affect the remainder thereof, and to provide for the repeal of all laws in conflict with this act.

Delivered to the governor February 17, 1919, at 3 P. M.

S. 202. To repeal the local road law of Wilcox county, Alabama, approved September 22nd, 1915.

Delivered to the governor February 17, 1919, at 3 P. M.

S. 175. To make an appropriation for tick eradication in Alabama.

Delivered to the governor February 17, 1919, at 3:15 P. M.

S. 196. To abolish the corporation of the town of Daleville, Dale county, Alabama.

Delivered to the governor February 17, 1919, at 3:15 P. M.

S. 191. To appropriate the sum of two thousand two hundred fifteen and 76/100 (\$2,215.76) dollars for the relief for the board of inspectors of convicts for coal furnished the Legislature and other departments of government up to January 23rd, 1919.

Delivered to the governor February 17, 1919, at 3:15 P. M.

S. J. R. 30. Relative to the Senate of Alabama, the House concurring, asking the Congress of the United States to appropriate \$250,000.00 to investigate and perfect a specific for the elimination of flu.

Delivered to the governor February 14, 1919, at 4:30 P. M.

S. J. R. 53. Relative to compensation of J. E. Speight for services as clerk of the Committee on Revision of Laws of the

Senate, whose clerk was sick and unable to attend and further provides that he be paid the same per diem as said clerk would have been paid if he had been present, to be approved by the Secretary of the Senate.

Delivered to the governor February 14, 1919, at 4:30 P. M.

S. J. R. 70. Relative to the Secretary of the Senate and Clerk of the House receiving twenty days to check the Journals of the respective houses.

Delivered to the governor February 17, 3:15 P. M.

S. 195. To extend the corporate limits of the city of Tuscaloosa, Alabama.

Delivered to the governor February 17, 3:00 P. M.

S. 183. To regulate the appointment and prescribe the qualifications of staff officers, including pay, inspection, subsistence and medical departments in the National Guards.

Delivered to the governor February 17, 3 P. M.

S. J. R. 16. Relative to endorsing the fourteen peace points of President Wilson.

Delivered to the governor January 18, 4 P. M.

S. J. R. 2. Relative to joint rules of the House and Senate.

Delivered to the governor January 18, 3 P. M.

S. J. R. 66. Relative to printing the acts.

Delivered to the governor February 17, 3 P. M.

S. 43. To amend section 4747 of the Civil Code of Alabama.

Delivered to the governor February 17, 3:15 P. M.

S. 84. To amend section 3613 of the Code of Alabama, 1907, as amended March 29, 1911.

Delivered to the governor February 17, 3:15 P. M.

S. 120. To provide that fraternal insurance contracts shall not be contested after it has been in force for two years for fraud or irregularities in the application, and that no misrepresentation or warranty in the negotiation of a contract of such insurance or in such contract of insurance, or application therefor, or proof of loss thereunder, shall defeat or avoid the policy, or prevent its attaching, unless made with actual intent to defraud or unless the matter misrepresented increase the risk of loss.

Delivered to the governor February 17, 3:15 P. M.

S. 60. To declare all State lands, whether held in fee or in trust by the State, forest reserves and game refuges; to prohibit the cutting of any tree or timber thereon or setting fire to any inflammable substance growing on the same; to make it unlawful for any person to hunt, trap, net or otherwise kill or take any of the protected wild animals or resident birds thereon; to provide penalties for the violation of the provisions of this act, and to provide procedure in all cases where the State's right or title

to such lands is brought into question or interposed as defense by any person on trial for violation of this act.

Delivered to the governor February 17, 3:15 P. M.

S. 161. To authorize the issue of the bonds of the State to the amount of nine hundred and fifty-four thousand dollars for the purpose of refunding the bonds of the State maturing January 1st, 1920, issued under and by virtue of an act approved February 22, 1887, entitled, "An act to authorize the issue of the bonds of the State to the amount of nine hundred and fifty-four thousand dollars for the purpose of paying, taking up and cancelling the bonds of the State bearing six per cent per annum, issued under an act approved February 13, 1879, to provide for funding the domestic debt of the State," as amended by act approved February 27, 1889, to prescribe the rate of interest the said bonds shall bear, to fix the maturity thereof and to provide for the sale thereof.

Delivered to the governor February 17, 3:15 P. M.

S. 130. To authorize and empower all municipal corporations which may have heretofore regularly issued bonds as provided by law for all or any of the purposes of constructing a wharf or wharves, and a landing or landings, and purchasing such real estate as may be necessary for such wharf or wharves, and landing or landings, and the equipping and furnishing of the same, and improving the water-front for such municipality and within its limits, and for the purpose of securing the complete use and enjoyment of all of said improvements for such municipality, to expend the proceeds of the sale of such bonds for any or all the purposes of constructing a wharf or wharves, and a landing or landings and acquiring such real estate as may be necessary for such wharf or wharves and landing or landings by purchase or by condemnation proceedings in the manner provided by article 1, chapter 70 of the Code of Alabama of 1907; and of the equipping and furnishing of the same and improving of the water-front for such municipality, outside of the limits as well as within its limits, and within five miles of the corporate limits of such municipality, as such limits are now or may hereafter be established, and for the purpose of securing for such municipality the complete use and enjoyment of all of said improvements whether within or without its limits, and to repeal all laws or parts of laws in conflict with this act.

Delivered to the governor February 17, 3:15 P. M.

S. 69. To regulate the practice of public accountancy by creating a State board of public accountancy, fixing its fees and emoluments; to prohibit the unlawful use of words, letters or other means of identification by unauthorized persons, as certi-

fied public accountants under this act, and to provide penalties for the violation of its provisions.

Delivered to the governor February 17, 3:15 P. M.

S. 194. To establish a board of revenue for Sumter county and for the abolishment of the court of county commissioners of said county.

Delivered to the governor February 17, 6:05 P. M.

S. 108. To authorize the trial court to impose an indeterminate sentence in all felonies for which the court fixes the punishment; to provide the parole of convicts under indeterminate sentence and to authorize the board of pardons to establish rules in the matter of paroles.

Delivered to the governor February 17, 6:05 P. M.

S. 165. To authorize the State board of examiners to issue emergency certificates good until the July, 1919, examination.

Delivered to the governor February 17, 6:05 P. M.

S. 54. To prohibit the erection and maintenance of advertising signs resembling railroad crossing signs, on the public highways, and on private property within one-fourth of a mile of the right of way of a public road, and to provide penalties for the violation of the provisions of this act.

Delivered to the governor February 17, 6:05 P. M.

S. 176. To prohibit the shipment of oysters in the shell out of the State of Alabama by water, and provide for the culling of the oysters, when taken from the waters of the State, and prescribing who may take oysters from the waters, or shrimp from the waters of the State, and upon what terms, and prohibiting the catching or transportation of shrimp from the waters of this State, except by bona fide residents of the State for not less than one year, and requiring dealers in oysters to pay a license.

Delivered to the governor February 17, 6:05 P. M.

S. 83. To amend section 1309 of the Code of Alabama, 1907.

Delivered to the governor February 17, 6:05 P. M.

S. 201. To repeal an act entitled an act to provide for the working, grading, improvement and building of the public roads and bridges of Coosa county, Alabama, and to provide revenue for doing same.

Delivered to the governor February 17, 6:05 P. M.

S. 148. To grant to the United States government a site for a maritime quarantine station, including the conveyance of needful soil now or heretofore covered by navigable waters of the State of Alabama, and to cede jurisdiction thereof.

Delivered to the governor February 17, 6:05 P. M.

S. 203. To further authorize the governor to enforce the laws and preserve the peace of the State and to prescribe the means whereby this duty may be performed by the governor.

Delivered to the governor February 17, 6:05 P. M.

S. 198. To create a commission to be known as the Alabama post-war council of defense, to prescribe its powers and duties to designate members ex-officio and other members, to provide for co-operation between the State and the Federal government and between the State and other agencies in meeting the exigencies and emergencies incident to post-war readjustment, and to make an appropriation for the carrying out of the provisions of this act.

Delivered to the governor February 17, 6:05 P. M.

S. J. R. 52. Relative to the pay of recess committees.

Delivered to the governor February 17, 3:15 P. M.

S. J. R. 64. Relative to prosecution of soldiers.

Delivered to the governor February 17, 6:05 P. M.

S. J. R. 67. Thanking United States Senator John H. Bankhead for his efforts in behalf of good roads.

Delivered to the governor February 17, 6:05 P. M.

S. J. R. 55. Relative to the government continuing work at Muscle Shoals.

Delivered to the governor February 17, 6:05 P. M.

S. J. R. 29. Relative to the United States paying discharged soldiers.

Delivered to the governor February 3, 4 P. M.

S. J. R. 33. Relative to the mustering out of 167th Regiment in Montgomery.

Delivered to the governor February 3, 4 P. M.

S. J. R. 37. Relative to the State auditor issuing warrant to Dr. John Little, of the Alabama insane hospitals.

Delivered to the governor February 5, 4:35 P. M.

S. 91. To authorize the court of county commissioners or other governing body by whatever name called, to establish private roads and to provide for their up-keep, and payment of damages to landowners over whose land road passes.

Delivered to the governor February 17, 6:05 P. M.

W. F. Miller,  
Secretary.

#### SECRETARY'S REPORT.

The foregoing report was read at length and adopted by the Senate.

#### ADJOURNMENT.

On motion of Mr. Rogers of Sumter, the Senate, in accordance with a joint resolution heretofore adopted adjourned at 7:25 P. M., until Tuesday, July 8th, 1919, at 2 P. M.

## TWENTY-FIRST DAY.

Tuesday, July 8th, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

## PRAYER.

By Rev. Dr. McCaslin of the city.

## ROLL CALL.

## Present:

Mr. President and

Messrs:

Acker	Cowan	Huddleston	Prestwood
Baker	Craft	Kelly	Rogers (Lauderdale)
Beale	Ellis	Leith	Rogers (Sumter)
Bedsole	Espy	Miller	Sims
Briscoe	Evins	Morris	Smith (Coosa)
Brown	Griffith	McDowell	Smith (Lawrence)
Butler	Gunter	Nance	Tally
Carlton	Harper	Phillips	West
Carmichael			

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## LEAVE OF ABSENCE.

On motion of Mr. Rogers of Sumter, Mr. Norwood was granted an indefinite leave of absence.

## JOURNAL.

On motion of Mr. Phillips, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Briscoe:

S. 210. To conserve the natural resources of the State of Alabama, to change the name of the department of game and fish to the department of conservation and to provide that the State game and fish commission shall be, hereafter, known as the commissioner of conservation, to vest in the commissioner of conservation the power to enforce and administer all laws providing



for the preservation, protection and propagation of wild birds, wild fur-bearing quadrupeds, game, forests, fish, oysters and other shell-fish, crustaceans, and all other natural resources of the State, which have not been reduced to private ownership, and to provide that all expenses incurred in the administration of the conservation laws shall be paid out of the game and fish protection fund and the oyster fund.

Fish, Game and Forestry.

By Mr. Rogers of Sumter:

S. 211. To appropriate the sum of \$500 for the purchase of a sword to be presented by the State of Alabama to Col. William P. Screws, colonel of the Fourth Alabama regiment, and to express the thanks and gratitude of the Legislature and the people of Alabama to the officers, soldiers, sailors, marines and war workers from Alabama, who took part in winning the great war that saved civilization from obliteration and made the world safe for liberty, justice and self-determination.

Finance and Taxation.

By Mr. McDowell:

S. 212. To declare the eleventh day of November in each and every year a memorial day for the Alabama soldiers who died in the recent war, and to make the day a legal holiday in Alabama.

Judiciary.

By Mr. Baker:

S. 213. To prohibit justices of peace and notaries public with justices jurisdiction, from bringing suit before themselves on any note, account, or other claim placed in their hands for collection.

Revision of Laws.

By Mr. Gunter:

S. 214. To amend article 2, section 7417 of the Code of 1907.

Military.

By Mr. Gunter:

S. 215. To secure to persons the right of way over lands of other persons.

Judiciary.

By Mr. Gunter:

S. 216. To promote the sale of farm loan bonds issued by the Federal land banks organized under the provisions of the farm loan act.

Banking and Insurance.

By Mr. Gunter:

S. 217. In reference to the removal of administrators from the State.

Revision of Laws.

By Mr. Craft:

S. 218. To submit to the qualified electors of this State at a special election to be held at the call of the governor after ninety days from the final adjournment of this Legislature for their consideration of an amendment to the Constitution for the purpose of authorizing the State to establish and maintain a State highway system of public roads and bridges, to issue interest bearing bonds therefor, to authorize the levy and collection of automobile or other motor driven vehicles taxes by the State for said purposes and to provide for the establishment and maintenance of said State highway system, public roads and bridges according to such regulations as the Legislature may have prescribed or may hereafter prescribe.

Constitution and Constitutional Revision and Amendments.

(This bill was read at length as required by the Constitution.)

By Mr. Brown:

S. 219. To grant temporary relief to persons who failed to pay poll tax while serving in the military or naval service of the United States.

Privileges and Elections.

#### RESOLUTIONS.

Mr. Acker offered the following Senate joint resolution:

By Mr. Acker:

S. J. R. 74. Be it resolved by the Senate, the House concurring, that a joint session of the Senate and House of Representatives be held in the hall of the House of Representatives at 3 P. M., today, July 8th, to attend the reading of the governor's message.

Be it further resolved, that when the Legislature adjourns today that it adjourn to meet again at 11 o'clock A. M., Thursday, July 10, 1919.

And Mr. Acker moved that the rules be suspended, said resolution put upon its immediate passage and adopted, which motion prevailed, and said resolution was, under a suspension of the rules, adopted by the Senate and ordered sent forthwith to the House without engrossment.

Mr. Phillips offered the following resolution:

S. R. 75. Be it resolved by the Senate, that the President of the Senate is hereby authorized and empowered to fill by appointment any vacancy that may now exist or that may occur during the session in a position of page or messenger for the Senate.

Which was read at length and referred to the Standing Committee on Rules.

Mr. Rogers of Sumter offered the following joint resolution:  
By Mr. Rogers of Sumter:

S. J. R. 76. Whereas, it is understood that the Hon. W. G. McAdoo, former secretary of the treasury, a Georgian by birth and a distinguished and brilliant leader of the Democratic party, will shortly visit the South; and,

Whereas, the said Hon. W. G. McAdoo has been delivering a series of patriotic addresses throughout the country in advocacy of the ratification of the Treaty of Peace and more especially the Covenant of the League of Nations;

Now, therefore, be it resolved by the Legislature of Alabama, That an invitation be, and the same is, hereby extended to the said Hon. W. G. McAdoo to address a joint session of the Senate and House of Representatives upon vital American issues at such time as may suit his pleasure and convenience.

Resolved further, That the Lieutenant Governor, the presiding officer of the Senate, and the Speaker of the House of Representatives be, and they are hereby, requested to convey the substance of this invitation immediately to Mr. McAdoo by wire.

Which was, under a suspension of the rules, adopted and ordered sent forthwith to the House without engrossment.

Mr. Rogers of Lauderdale, offered the following joint resolution:

S. J. R. 77. Whereas, by proclamation of the President of the United States on December 26, 1917, he took possession and assumed control on December 28, 1917, of each and every system of transportation and the appurtenances thereof, located within the United States, for purpose of national defense; and,

Whereas, by act of March 21, 1918, it was expressly provided that the acts of Congress relative to Federal control were declared to be emergency legislation enacted to meet conditions growing out of the war, and that nothing in such legislation is to be construed as expressing or prejudicing the future policy of the Federal government concerning the ownership, control or regulation of carriers; and,

Whereas, former Director General McAdoo and present Director General Hines have both recommended to the Congress that Federal control be extended for a period of from three to five years; and,

Whereas, we believe that the very best interests of the American people and of the people of the State of Alabama, call for the return of the transportation systems of the country to their owners, on the basis that the very essence of civilization is that there be placed upon the individual only that degree of restraint

which shall prevent his encroaching upon the rights of others, thus releasing to the utmost, individual initiative in every possible direction; now, therefore,

Be it resolved by the Senate and the House concurring, that our Senators and Representatives in the Congress be requested to support legislation which will provide for the early return of the transportation systems now being operated by our government, to the owners, but that such return will be accompanied by adequate protection of the interests of the public, the shippers and investors in railroad securities, and that such return of transportation systems now under Federal control shall be at the earliest possible date that such legislation shall have been enacted.

Which was read at length and referred to the Standing Committee on Commerce and Common Carriers.

#### BILLS ON THIRD READING.

The bill:

S. 129. To authorize courts of county commissioners or boards of revenue of any county, in which the State or Federal authorities shall take or have taken up the work of farm demonstration or the organization of farm life clubs, to appropriate funds for aiding in such work.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Acker	Carlton	Griffith	Prestwood
Baker	Carmichael	Gunter	Rogers (Lauderdale)
Beale	Cowan	Harper	Rogers (Sumter)
Bedsole	Craft	Leith	Sims
Briscoe	Ellis	McDowell	Smith (Coosa)
Brown	Espy	Nance	Tally
Butler	Evins	Phillips	West

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Nays:—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. 74, relative to the two houses meeting in joint session at 3 o'clock to hear the governor's message, also relative adjournment until 11 o'clock Thursday.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

ACCEPTANCE INVITATION TO ATTEND MEETING ALABAMA  
HIGHWAY IMPROVEMENT ASSOCIATION.

Mr. Craft moved that the Senate accept the invitation of the Alabama Highway Improvement Association to attend its meeting in Montgomery, July 10-11, 1919, which motion prevailed, and said invitation was accepted by the Senate.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 43. To regulate the sale and offering for sale of fertilizers and fertilizer materials, to require same to be plainly tagged and marked as to the chemical elements thereof and the source of the same, and to provide a penalty for the violation thereof.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the S. J. R. 76, relative to the two houses inviting the Hon. W. G. McAdoo to address the two houses.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## REPORT OF THE RECESS BUDGET COMMITTEE.

*To the Senate and House of Representatives of the State of Alabama:*

By an act approved February 11, 1919, a State budget commission was created, composed of the governor, the attorney general and the State auditor, which commission, under section 4 of said act, is charged with the duty of submitting within five days after the convening of the adjourned session of the Legislature of 1919, and thereafter within fifteen days after the convening of the Legislature in regular session, a budget for the ensuing four fiscal years, said budget to show a complete plan of the proposed expenditures, together with an estimated income from revenues, with the objects and amounts of each appropriation. Following the approval of this act, the Legislature passed House joint resolution No. 58, approved February 17, 1919, providing for the appointment of a joint committee, composed of two members of the Senate and three from the House, to sit and act with the State budget commission and to assist them in any way necessary, in order to carry out the purposes of said commission, said resolution providing that a report to the Legislature be made of the complete financial plan of the State and the sources and yields of revenue and the way the expenditures and revenues were made to balance.

On behalf of this committee, we submit this report, which is not intended to take the place of the report of the regular budget commission,

which report will be made by the chairman of that commission, and will embody all the bills and recommendations agreed upon jointly, as to appropriations.

#### FINANCIAL CONDITION.

The first duty imposed upon us by the resolution under which the committee was appointed, is the duty of looking into the financial condition and needs of the State. We have brought to this task, open minds, and upon it have concentrated the best effort of which we were capable. We have gone as thoroughly into the financial condition and needs of the State as the time allowed us would permit. Great emphasis has been laid on the State debt, while little or nothing has been said of the State's assets. **The people are constantly told how much the State owes, while they hear little or nothing of what the State really owns, hence the feeling among the people that they get nothing for their money expended.** No business concern could succeed if its liabilities were constantly exploited while its assets were as constantly overlooked. No report on the financial standing of an individual would be just to that individual if the report dealt only with the liabilities and gave him no credit for his assets. This is exactly the thing that has been done for the State. The financial condition of Alabama furnishes no grounds for pessimism. Compared with her assets, the indebtedness of the State is by no means distressing. True, the State owes \$9,325,153.00, but it should not be overlooked that the physical valuation of property, the title to which is directly in the State, is more than twenty and one-half million dollars, exclusive of the public roads and highways, which in values would run into the millions. Nor is this saying anything of the fact that the use of all this property inuring to the people operates to double the value of all the private property in the State. On the other hand, the indebtedness of Alabama, as compared with the surrounding States, makes no bad showing. The State of Tennessee has an indebtedness of \$14,000,000.00; Georgia, \$6,500,000.00; Louisiana, \$11,000,000.00, and these states are constantly making progressive steps and as constantly seeking to meet the demands of the people for better institutions and better service. They have provided for taking care of the interest on their indebtedness and are moving on with their institutions. Alabama can certainly do no less. In the preparation of the Revenue Bill, upon which the estimated income is largely based, ample provision is made for taking care of the interest on the State's indebtedness and to leave a sufficient margin between the income and the appropriations agreed upon to liquidate the entire indebtedness of the State within a reasonable length of time, thus insuring the successful operation of all the State's institutions and departments during the period required for the payment of the State's indebtedness.

#### FINANCIAL NEEDS.

We have gone as thoroughly into the financial needs of the State as it was possible for us to do, and when we say financial needs of the State, we mean only the financial needs of those institutions and departments through which the State is serving the people. The financial needs of the State is nothing more than the needs of the people. Financial demands of the State are nothing more than the financial demands of the people composing the State. The State is not an abstract institution, separate and apart from the people, seeking, as many seem to think, to fix burdens of taxation upon the people for its own benefit, but the State is a great business institution, endeavoring to so co-ordinate and correlate the various institutions and departments as to produce for the people the maximum of service at a

minimum cost, it being the needs of the people to which these institutions directly administer.

#### INSTITUTIONS.

The State maintains certain institutions because the people demand them. We cannot live without them. The people's property would be worthless if these institutions did not exist. Our common schools, high schools, colleges, normal schools, universities, health department, eleemosynary institutions, all are alike vitally essential to the welfare of our people. They must go on. They are as essential to our people as the atmosphere we breathe, or the soil on which we live. They are all essential. There should never be strife or enmity between these institutions, nor should we ever allow ourselves to become so absorbed with the importance of one of these institutions as to lead us to forget that all the others are equally essential. All of these institutions cost money. They all have financial needs. Their financial need is your financial need, my financial need and the financial need of every citizen of this State. In making an investigation of the needs of these institutions, the Committee acting together, had before us a statement from every institution, as required by law, and in addition to this we gave ample hearings to all of those charged with the responsibility of conducting these institutions, all of whom appeared before us and advised with us. The result of these investigations was to make up deeply conscious that in making appropriations, it would be utterly impossible to meet the actual and real needs of these institutions. We have seen the directing heads of all of these institutions, abandon all hope of expanding the work so as to meet the increased demands now upon them. We have seen them cut and pare in the preparation of their budget until nothing remained save the bare hope of continuing to exist. In a day when a dollar is worth only about fifty-three cents, we have seen these institutions forced to accept budgets, which in normal times when a dollar was worth one hundred cents, would amount to a material reduction of the pittance allowed. Your committee would call attention to the fact that what might be called an increase in allowance to these institutions is in reality only a readjustment, and in fact, amounts, under the conditions, to a reduction. No institution has been provided in our budget with funds sufficient to meet its actual needs. After thorough investigation, we have tried not to meet the financial needs, but in some way to make provisions for the things absolutely essential in order that these institutions may continue to serve our people.

#### DEPARTMENTS.

In order that there might be no lack of economy in the use of money provided for by our people, we made a thorough investigation into the several departments of State government. In doing this, we had a complete survey made of each department, for the purpose of ascertaining whether or not there are unnecessary employees, whether or not the employees are paid extravagantly, and whether or not there are any duplications of work. In some instances we have discovered what appears to us to be duplications of work, and have made such recommendations and readjustments as are necessary to obviate this duplication. With the exception of possibly one or two employees, we do not believe that there is an employee in the several State departments whose services could be dispensed with without materially impairing the efficiency of the department, and in no instance have we found an employee who is being paid anything like the amount they could easily get for the same character of work with a private institution, while it is a problem to know how many of these employees can possibly

live on the amount which they receive. We have tried to standardize and classify the work so as to approximate uniformity of work and uniformity of pay among the employees, and in our budget we have tried to so readjust the amounts to be paid to the different employees of the State as to do justice by those who serve the State. This was absolutely essential, since it would be reckless extravagance to refuse the same readjustment upon the part of the State that every private business has cheerfully made and to persist in this refusal until the employees of the State, who are familiar with the work to be done, are forced to seek employment elsewhere, in order that they may live. Especially would this be foolish, since to secure the same character of employees to take the place of those thus cut off, it would cost the State considerably more than for those who are already attached to and familiar with the work of the Department with which they are connected and with which they are willing to remain and serve, if allowed sufficient pay to enable them to live. In this matter we have tried with open minds and unselfish motives to deal justly and equitably, both with the State and with those who are serving the State, and it is with a deep sense of pride that we assure the people of Alabama that the several departments of the State government are under men who are earnestly and unselfishly striving to render the best possible service in the most economical way.

#### SOURCES OF REVENUE.

An investigation of the financial needs of the State brought us to the problem of finding some way to provide for taking care of the institutions and departments, through which the people are being served. We, therefore, turned to a consideration of the general sources of revenue. These different sources of revenue are shown by the tables hereto attached and need not be here enumerated. We have tried to rewrite and readjust the tax laws of the State, so as to get for the people of the State the maximum results with a minimum cost. This part of our work will come up under the several bills to be submitted and need not here be reviewed. In connection with this, however, we desire to call your attention to at least one change, which, after thorough investigation, we decided to make. It occurred to us that it would be wise to abolish the county boards of equalization and to substitute in their stead a county supervisor of tax values. This reduces the number from three to one in each county. We then recommended that the county supervisor be put upon a salary and that half of the salary be paid by the State and half by the county. This will result in great saving to the county. For example, in Chambers county, the county board cost the county last year in round numbers \$2,300.00, whereas, under the plan recommended by us, and embodied in the bill submitted by the budget commission, it will cost the same county approximately \$750.00 per year.

#### GENERAL TAXES.

The amount derived from direct taxes coming into the general fund is in round numbers one and one-half million dollars. This, at first glance, appears to be a large sum of money, and yet, when it is understood that this amount plus 7% is immediately appropriated back to the people for three items only, schools, Confederate pensions and charitable institutions, leaving the State not only penny from the general taxes with which to pay the running expenses of the State government and for the support of other indispensable institutions, it is at once apparent to any thinking man that the actual demands of the people who reap the benefit of the money raised from this source far exceeds the amount so raised and that the people who pay the money not only get back all the money they pay, but in addition



thereto get \$7.00 on every one hundred dollars so paid for the three items alone. The necessity for increasing the amount received from this source is made imperative by the demands of the people themselves. To so readjust the tax laws as to meet this popular demand and to do so in a way that will be equitable and just, has been one of the problems with which we have been earnestly and impartially dealing. The result of our labor on this subject is embodied in one of the bills to be presented to the Legislature and represents the best thought of which we were capable.

#### MOTOR VEHICLE LICENSE.

The motor vehicle license is a large source of revenue to the State, and is steadily growing. We have recommended that this license be increased and that all the revenue derived from this source be used upon the public roads through the State highway department, this to be in lieu of all appropriations to this department. By this arrangement the State will take over and maintain the main highways in the various counties, thus enabling the counties to turn their attention to the upkeep of the smaller county roads. It is the judgment of the committee that unless some arrangement of this character can be made, many of the counties will be forced either to abandon their highways and lose all they have spent on them, or else give up all hope of maintaining the smaller roads, or continue to neglect them to the great injury of a large majority of their citizens; then, too, we have not been able to determine any other means of enabling the State to avail itself of the fifty fifty fund from the Federal government for public roads. Since all of the other states are making provision to avail themselves of this Federal aid, we feel it would be deplorable should Alabama fail to receive her share. With this end in view, we have entertained the hope that the owners of automobiles would be willing to an increase in the automobile tax and that others interested would be willing for the fund so arising to be applied to the public roads.

#### REVENUE FROM DEPARTMENTS.

We deem it worth while to call attention to the fact that many of the departments of the State government, looked upon by the people as being burdens upon the tax payers, are really large producers of revenue, while none of them are supported from the general tax funds, as we have elsewhere set out. We do this that our people may understand that the departments, through which they are served, are not, as many believe, charges upon the general tax fund of the State, but in many instances furnish the revenue to support other institutions that are directly attending to the needs of the people. We frequently hear the remark that 'we are tired of paying taxes with which to pay salaries of State officials,' when as a matter of fact not one penny of the tax money ever goes to the payment of any salaries or for the support of any department of State government. If, therefore, these departments were not producers of revenue, the State would be unable to run.

#### CONVICT DEPARTMENT.

The convict department has long been one of the chief sources of revenue to the State, netting to the State last year more than a half million dollars. However, in making up our estimate of the income from this source for the next four years, we have endeavored to be very conservative for at least two reasons. In the first place, we are unable to believe that the policy of operating the convict department for the sole purpose of making money should longer be encouraged by the people of our State. We should get away from the dollar mark as the sole standard by which to measure the

success of this department and the time has come when the expenditures of a greater percent of the money derived from this source for the purpose of improving the conditions of the convicts should be encouraged. The practice of piling up a large surplus from this department, when the surplus thus accumulated represents the sacrifice of the flesh, blood and bones of human beings should not only be discouraged but should be absolutely prohibited by the people of this State. With this to guide us, we have tried to estimate so as to leave a sufficient amount of this fund to be expended in bettering conditions under which the convicts are forced to live and work. Again, we have taken into account the constant decrease in the number of convicts. Since the inauguration of prohibition, the number of convicts has shown a steady decrease, and as social, moral and economic conditions among our people improve, we shall have a continuous and growing decrease in the personnel of our convicts. Added to this is the humane statute providing for indeterminate sentences, which will perhaps operate to decrease the earnings of this department, so with these things in mind, we have tried to be conservative in our estimate of income from this source and to avoid encouraging our people to rely on the revenue from the criminal and unfortunate element of our citizenship.

#### INSURANCE DEPARTMENT.

The insurance department next to the convict department is one of the large producers of revenue in connection with the State government, and with the insurance laws properly written and amended as they should be, and the department under the direction of a man familiar with the insurance business, this department will, within the next four years, show a material increase in revenue.

#### THE AGRICULTURAL DEPARTMENT.

At first glance the agricultural department seems to expend large sums of money for operating expenses, but the department produces for the State much more revenue than is expended for its maintenance.

#### THE BANKING DEPARTMENT.

The operating expenses of the banking department are assessed to the several banks of the State and in this way brings in practically the same amount that the State appropriates for the operation of the department.

We need not mention all of the departments, since these will serve as an illustration of how the departments apparently supported by appropriations in fact produce as much, and in many cases, vastly more revenue than they consume.

#### NEW SOURCES OF REVENUE.

Our investigations have resulted in convincing us that the financial needs of the State are so imperative that new sources of revenue must be found. In seeking these new sources of revenue, we have tried to avoid placing further burdens upon actual necessities, and have sought to as equitably distribute burdens of taxation as it is possible for us to do.

#### COCA-COLA, SODA WATER AND OTHER SOFT DRINKS.

We have unanimously recommended a license on all bottling works engaged in the business of bottling coca-cola, soda water and other soft drinks, using as a basis the number of bottles so put up. This tax falls on an acknowledged luxury, and, therefore, every dollar derived from this

source with which to help maintain the various State institutions constitutes a voluntary contribution.

#### COAL, IRON, CEMENT, TURPENTINE.

We made an investigation of the manner in which the State is being impoverished by the constant drain upon her natural resources, and the committee are unable to say why the State, being thus impoverished by those who are growing rich extracting the treasures of the State, should not share in a just distribution of this wealth. We have, therefore, unanimously recommended a small tax on coal, iron, cement and turpentine. These have heretofore yielded nothing to the State in the way of revenue. We hope this recommendation will be concurred in. Every ton of coal taken from the earth and every tree stripped from the forest leaves the State that much poorer, and it is but just and equitable that the State should retain for the benefit of her institutions a reasonable portion of the proceeds from these great sources of wealth.

#### THE INCOME TAX.

The State is a great commonwealth. Her interests are common interest, her blessings and advantages, through her institutions extend in common to her citizens, and, therefore, her citizens should share the expenditures of all these institutions as nearly proportionate to the income which they enjoy as is possible. Should every man pay in proportion to the income which he enjoys under the protection of the State above his necessary living expenses, certainly no charge of inequality could be justly made. A just and equitable ad valorem tax on all property is much to be desired, and yet this would not work a just distribution of taxation. Many who enjoy large incomes have so arranged their investments as to be exempt from taxation, while the farmer with forty acres of land, that cannot be concealed from the tax assessor, contributes his share to the upkeep of institutions which make possible the income of his neighbor who pays no taxes. There is no excuse for this inequality, and in the judgment of the committee, there is no remedy other than a just and equitable income tax law. We have, therefore, believing this to be the fairest and most reasonable and just and most equitable of all forms of taxation, recommended an income and excess profits tax, which is embodied in the revenue bill and which will be submitted by the budget committee. This bill is unanimously concurred in by the committee and the State budget commission and we bespeak for it the earnest consideration of every member of this Legislature. These are not all of the new sources of revenue recommended by the committee, but they are the principal ones and we have mentioned them in order that they may be properly emphasized.

#### APPROPRIATIONS.

After making an estimate of the revenue of the State for the next four fiscal years, as shown by one of the tables hereto attached, we have also unanimously agreed upon the appropriations which are recommended. These appropriations, together with the objects for which they are made, appear in a separate list or table attached hereto and need not be enumerated in this report. We desire to say that in making these appropriations, with all the facts before us, there were differences of opinions both as to the object and the amount of the appropriations, but in every case the members, both of the committee and of the commission, succeeded in reaching agreements and every appropriation recommended by us represents the unanimous conclusion both of the State budget commission and the joint

budget committee. While we cannot here review every appropriation with its object separately, we desire to direct special attention to some of these appropriations.

#### APPROPRIATIONS FOR SCHOOLS.

Our schools must be maintained. We had opportunity to review the facts and to determine the needs of these institutions. The first claim upon this or any other country is the claim of a child for a fair chance to live. Our property taxes one-half of its value from the presence of our schools and any attempt to withhold the means with which to maintain these institutions is suicidal. Every dollar that the tax payer of Alabama puts into the schools of Alabama has easily returned to the tax payer \$5.00 in increased property valuation alone, and should the tax payer withhold the money with which to maintain these schools, until the schools were forced to close their doors, the property of the tax payers would be reduced to less than one-half of its value. Besides all of this, such a stand is a crime against the helpless child of this State, all of whom, from the child in the humblest home to the child in the palatial home are alike entitled to a fair chance in the struggle of life. With this in mind, we have unanimously agreed to recommend increased appropriations to the common schools, a little more than half a million dollars annually for the next four years. At first glance this may seem to be a great program, but it must not be forgotten that Alabama is a great State and we should bear constantly in mind that the child of Alabama is as much entitled to a fair chance as the child of any other State, and we hope that this Legislature will make it possible for us to begin a forward step in this direction.

#### PUBLIC HEALTH.

Certainly there is nothing of more vital interest to every man, woman and child in Alabama than the matter of health. This is the basis of all wealth and all human happiness. Our people have just been through a great war and have shown with what willingness they would pour out their fortunes upon the altar of their country that the enemy might be subdued and kept from destroying our people. May we call attention to the fact that malaria, typhoid germs and dysentery, just these three diseases, have already invaded our country and that they have already destroyed more of our men, women and children than the German soldiers could destroy in a hundred years. There is no longer a need of doubt that all these enemies can be destroyed and totally eradicated from this country. There is no more excuse for allowing this enemy of human lives and human happiness to continue their ravages among our people than there would be to allow the German soldiers to invade our country and overthrow our government. Nothing now remains to be done save to furnish the munitions of warfare and these enemies will as certainly be destroyed as was our country saved from German invasion. May we call attention to the fact that during last year the State of Alabama appropriated more than \$16,000.00 to protect the health of hogs and cows within this State, a sum vastly too small even for that, but may we call attention to the fact that the State of Alabama has appropriated no more than \$25,000.00 for the protection of the health of her men, women and children. We cannot bring ourselves to believe that this can be just. It is the solemn conclusion of this committee that the time has come when Alabama should take her place in the ranks alongside of other states and do her part in the great nation-wide campaign now being conducted in the interest of public health. The Federal government aroused to the importance of this work, has matched the several states dollar for dollar that our people may be protected against the ravages of disease. It

would be a calamity for Alabama, great as she is, to remain at the bottom of the list and continue to appropriate a shameful pittance of \$25,000.00 to a work like this. We have, therefore, agreed to a material increase in appropriations for this work, and with the assurance that those charged with the responsibility of conducting these campaigns will be held strictly to account by the people of this State for the manner in which they conduct their work. May we ask every member of this Legislature seriously to consider before raising an objection to a work that means so much to the lives, health and happiness of our people.

#### CONFEDERATE PENSIONS.

In making up the budget we have not been unmindful of the fact that for several years the Confederate soldiers of Alabama have been unable to get the amount of money to which, under the law, they are entitled. Payment of the first, second and third quarterly allowances have been promptly made, but the special ten mill tax for this purpose has been and is now insufficient, therefore, before the fourth quarterly payment begins, the fund has been so depleted that these gallant heroes of the immortal struggle have been forced to accept in settlement of their claim, an amount less than half of that to which they are entitled for the fourth quarter. Certainly a great State like this would not want to compromise its dignity by a species of niggardly economy at the expense of these men who deserve better treatment and who by reason of age must obtain it quickly if at all. With this in view, we have arranged to increase this appropriation so as to meet all these demands promptly and honorably.

Yet a final word. In conducting the work assigned to us, we have been so materially aided by the personnel of the several departments of State, by the State employees and by those connected with the State institutions, that we cannot close this report without a word of appreciation for the splendid co-operation and help which they have rendered us. It is with a great degree of pardonable pride that your committee notes the disposition upon the part of all connected with the State departments and institutions to recognize the fact that the various interests of this great State are common interests. It has been a matter of profound gratification to us to see all trace of jealousy and enmity disappeared. All the institutions of the State seem now to be obsessed with the idea of one common cause, and in making appropriations, we have tried to keep in mind that with a limited amount to appropriate, the solemn obligation rested upon us to so distribute that amount among the several interests of the State as to do justice to all parties concerned, and in making up the estimate of the State revenues, and preparing the revenue code, we have tried to be fair and just, both to the tax payer and to the State, remembering that no more solemn obligation could be imposed than that of so distributing the funds to be appropriated so as to do equal justice to all interests involved. Doubtless we have made errors. Doubtless we have failed in some instances to accomplish what we were honestly striving to accomplish, but wherever we have thus failed, we have done so with the same degree of earnestness and honesty that we have tried to maintain in all of our work. We come now before you as representatives of a sovereign State, as the representatives of a free and great people, with nothing to conceal, with open hands, with open policy, we lay our cards on the table. We lay before you a table showing the estimated income of this State. These estimates are based upon certain revenue bills upon which we have agreed. These estimates must depend upon the action you take upon these laws. We lay before you, as an open book, our recommendations as to the disposition of this money. Here are the sources and the amounts of revenue to be appropriated. Here are

objects and amounts of the appropriations. Let it be borne in mind that if the revenue is decreased, the amount of appropriations must be correspondingly decreased unless this Legislature should decide to continue a policy of making appropriations with no available means in sight. Against this course we earnestly advise, and it is the hope of this committee that in making appropriations, all contingent appropriations be avoided, and that in every case the State be kept within the limits of her income. Finally, permit us to say that we have reviewed the facts connected with all the interests of this State and we truly believe that it is too much responsibility for this or any other Legislature to assume to so cut down the revenue of the State as that the people of the State shall be unable to secure the services to which they are entitled through the several departments and institutions of the State. Ours is a great State. We represent a great **people**. We represent great interests. Upon us rests a tremendous responsibility and it is neither the time nor the place for us to falter and in faltering retard the progress of the greatest State in the galaxy of states.

W. T. Murphree, Chairman.  
R. H. Long,  
M. J. Cliett,  
W. E. Butler,  
A. W. Briscoe,

July 8, 1919.

#### REVENUE.

\$115,000.00, agriculture and industries; \$500.00, sale of acts; \$5,000.00, chauffeur license; \$200.00, sale of Code; \$1,888,000.00, convict department; \$15,000.00, corporation permits; \$35,300.00, dog tax, \$125.00, auditor's fees; \$2,236.00, secretary of State; \$459.00, fees from treasurer's office; \$9,337.00, Supreme Court fees; \$2,425.00, Court of Appeals; \$20,000.00, fees from State banks; \$1,650,000.00, general tax; \$4,000.00, taxes from former years; \$10,000.00, land redemption; \$400,000.00, insurance department; \$2,400.00, salt lands lease; \$651,000.00, license schedule; \$3,000.00, examination county books; \$81,600.00, mortgage tax; \$800,000.00, motor vehicle license; \$28,650.00, oil companies; \$3,000.00, sale of tax lands; \$25,476.00, solicitors' fees; \$2,000.00, 16th section land rentals; \$1,726.00, Supreme Court sale of law books; \$50,000.00, College A. & M., Federal aid; \$6,588.00, game and fish department; \$7,842.00, institute conductors; \$200.00, markets bureau; \$1,200.00, oyster protection fund; \$28,900.00, pure food and drug department; \$95,000.00, vocational education, Federal aid; \$12,000.00, examiners' fees, teachers; \$1,400.00, teachers' certificates; \$189,000.00, poll taxes; \$2,000,000.00, special school fund; \$9,000.00, special school land redemption; \$5,000.00, special school fund, taxes former years; \$642,000.00, special pension fund; \$1,700.00, special pension fund, former years; \$3,000.00, special pension fund, land redemption; \$400,000.00, income and excess profit tax; \$1,200,000.00, coal and iron; \$100,000.00, corporation franchise tax; \$20,000.00, 16th section school lands sold; \$10,529,264.00, total.

Elementary schools, \$2,890,500.00; normal schools—Florence, \$54,500.00; Jacksonville, \$48,000.00; Livingston, \$47,500.00; Troy, \$47,500.00; Moundville, \$5,000.00; Daphne, \$5,000.00; Montgomery (Negro), \$25,500.00; Tuskegee (Negro), \$5,000.00; certificates of teachers, \$15,000.00; teachers' institutes, \$15,000.00; contingent fund, \$5,000.00; physical education, \$5,000.00; revolving fund State department, \$100,000.00; rural school houses,

\$221,500.00; State department of education, \$11,840.00; vocational education (Smith-Hughes), \$84,750.00; rural libraries, \$6,700.00; bonus fund, \$201,000.00; illiteracy, \$12,500.00; county high schools, \$197,500.00; agricultural schools, \$43,875.00; Northeast Agricultural and Industrial Institute, \$3,000.00; deaf and blind, \$97,750.00; Alabama Boys' Industrial School, \$93,500.00; University, \$196,750.00; Auburn, \$317,641.00; Montevallo (A. G. T. I.), \$103,475.00; A. & M. College for Negroes, \$27,500.00; Alabama Reform School for Juvenile Negro Law Breakers, \$35,750.00; agriculture and industries, \$73,915.00; insane hospital, \$518,142.84; Alabama National Guard, \$50,000.00; public service commission, \$19,000.00; arrest of felons, \$1,000.00; advertising election results, \$-----; board of control and economy, \$22,000.00; boys' and girls' clubs, \$2,500.00; capitol servants, \$2,400.00; capitol watchmen, \$3,600.00; maintenance convict department, \$1,357,000.00; Confederate museum, \$250.00; copying acts for Legislature, \$500.00; distributing public documents, \$1,000.00; erroneous assessments, \$1,257.25; erroneous sales, \$1,020.00; feeding prisoners, \$130,000.00; fuel, lights and water, \$5,000.00; game and fish department, \$6,500.00; governor's office salary, \$15,500.00; governor's interest contingent, \$31,250.00; governor's contingent fund, \$10,000.00; governor's mansion maintenance, \$500.00; governor's proclamation, \$7,000.00; highway department, \$800,000.00; insurance on capitol, \$5,000.00; interest on bonded debt, \$360,000.00; interest on temporary loan, \$15,000.00; judicial department, \$250,000.00; land department, \$500.00; lands bid in by the State (counties part), \$1,724.00; license refunded, \$5,000.00; overpayment refunded, \$3,750.00; postage, \$7,500.00; making list of public lands, \$50.00; public printing, \$50,000.00; presidential election, \$750.00; pensions, \$1,070,000.00; premiums on bonds, \$2,500.00; registration of voters, \$9,742.00; removing prisoners, \$4,651.00; refurnishing capitol, \$8,082.00; stationery, \$7,148.00; soldiers' home, \$31,942.00; State board of law examiners, \$806.00; Daughters of Confederacy, \$1,250.00; weights and measures, \$37.50; advertising land sales, \$3,500.00; secretary of State, salaries, \$6,020.00; auditor's office, salaries, \$13,320.00; tick eradication, \$30,000.00; treasurer's office, salaries, \$10,400.00; archives and history department, \$18,000.00; attorney general, \$25,000.00; health department, \$125,000.00; examiners public accounts, \$26,250.00; banking and insurance, \$23,100.00; State tax commission, salaries, \$11,400.00; State tax commission, appropriation, \$50,000.00; mine inspector, \$25,000.00; oyster protection fund, \$1,000.00; temporary clerks, \$4,200.00; board of horticulture, \$10,000.00; geological survey, \$17,000.00; live stock sanitary board, \$21,226.00; Legislature (1 year), \$145,879.00; prison inspection, \$10,200.00; State harbor commission, \$6,322.00; interest Clarke county high school, \$600.00; Alabama memorial, \$15,000.00; centennial commission, \$2,500.00; education commission, \$2,500.00; Ragland school (1 year), \$30,000.00; claims railroad transportation, \$7,500.00; child welfare department, \$10,000.00; tuberculosis, glanders, etc., \$10,000.00; new roof, governor's mansion, \$500.00; grand total, \$10,479,715.59.

#### COMMITTEE REPORT AND ORDER TO PRINT.

Mr. Briscoe, of the Recess Budget Committee, presented to the Senate the foregoing report of the Recess Budget Committee, and on motion of Mr. Carmichael the reading of said report was dispensed with and 500 copies thereof printed for the use of the Senate.

## JOINT SESSION.

The hour of 3 o'clock having arrived, in pursuance of S. J. R. 74, heretofore adopted, the Senate repaired to the hall of the House of Representatives for the purpose of hearing the address of the governor.

The joint session of the Senate and House of Representatives thereupon met in the hall of the House of Representatives, Lieutenant Governor Nathan L. Miller presiding on the part of the Senate, and Henry P. Merritt, Speaker of the House, presiding on the part of the House of Representatives.

Mr. Miller appointed on a committee to wait on the governor and inform him that the two houses were in session and awaiting his pleasure, Mr. Acker, and Mr. Merritt named as members of said committee on the part of the House, Messrs. Ingram and Tompkins.

## ROLL CALL.

On a call of the roll of the Senate the following answered to their names:

*Yeas:*

## Messrs:

Acker	Carmichael	Kelly	Rogers (Lauderdale)
Baker	Cowan	Miller	Rogers (Sumter)
Beale	Craft	Morris	Sims
Bedsole	Ellis	McDowell	Smith (Coosa)
Briscoe	Espy	Nance	Smith (Lawrence)
Brown	Evins	Phillips	Tally
Butler	Griffith	Prestwood	West
Carlton	Harper		

—30

On a call of the roll of the House the following members answered to their names, a quorum of the House, to-wit:

*Yeas:*

## Messrs:

Mr. Speaker	Calvert	Edwards (Pike)	Hardaway
Adams	Carnley	Ellis (Bullock)	Hare
Alexander	Christian	Ellis (Elmore)	Harrison
Allen	Christopher	Faulk	Hawkins
Andrews	Cliett	Fletcher	Hollis
Austin	Cobbs	Graham (Autauga)	Howle
Baker	Collins	Graham (Clarke)	Ingram
Barganier	Crump	Green	Jones (Escambia)
Benners	Dansby	Griffin	Jones (Marengo)
Blunt	Deese	Guy	Jones (Montgomery)
Bracken	Dodson	Hall (Henry)	Johnson
Brindley	Dunaway	Hall (Marion)	Jordan
Burns	Edwards (Dallas)	Hale	Lawson



Lee (Butler)	McDonald	Russell	Tompkins
Lewis	Oakley	Salter	Trammell
Long (Butler)	Oliver	Seale	Truss
Long (Sumter)	Orr	Shaw	Tunstall
Longshore	Parker	Sherrod	Van de Graff
Mathews	Preston	Simpson	Waddell
Milford	Partridge	Smith	Whorton
Mitchell	Peters	Sparks	Williams
Moorer	Pittman	Stewart	Wilson
Murphree	Ross	Stoddard	Woodard

Thereupon, the following message of his excellency, the governor, was read to the joint session:

#### GOVERNOR'S MESSAGE.

##### *To the Senate and House of Representatives:*

I congratulate you upon your safe return to the Capitol to resume the duties you so finely began in January and suspended for a time that committees of your members and commissions created by your authority might conduct investigations and studies in certain matters and submit reports for your information, consideration and determination.

Your first service was distinguished by prompt, earnest and firm grasp of the questions submitted for your consideration. You inspired confidence and created hope in the hearts of the people of the State to such a degree that it may be truly said that the people are behind you in almost solid support. Never before have our people indicated a truer conception and more intelligent comprehension of the highest and best needs of society and a firmer determination to secure them. Never was there given to a Legislature greater opportunity for real and lasting service to a State.

Felicitating myself upon the privilege of sharing with you in the embrace of this opportunity, I renew my pledge of most earnest and cordial co-operation in your every effort to bring progress and efficiency to the government of the State and to promote the well being of the people we serve.

#### BLUE SKY LAW.

I renew my suggestion that you pass a law regulating the sale of securities in the State. The operations of stock swindlers has grown to such an extent that the United States government has seen fit to take a hand in the matter. I urge you to give attention to the immediate need of legislation along this line.

#### BOARD OF CONTROL AND ECONOMY.

Your creation of a State board of control and economy was a notable step forward in the interest of economical expenditures of the revenues and for a more efficient management of the business affairs of the State. The board was designed to exercise a supervisory control over the fiscal affairs of certain public institutions and to install a more uniform system for the management of the State's business. It was duly appointed, and has entered upon the discharge of its duties. In the brief period of its existence it has made good headway, and is acquiring information and knowledge of the State which is invaluable. I am satisfied that its operation will result in great saving to the State and a marked increase of efficiency in all departments coming under its influence. My recommendation

for the creation of the board contained the suggestion that it should be given authority to make purchases of certain supplies for the counties of the State which I believed would result in great saving to the counties. I am still of that opinion, and I believe that the objections of the county authorities to such provision can be removed by reserving to them the authority to purchase certain supplies now furnished by the people of the respective counties. The first report of the board to the governor will be presented for your consideration. I concur in the recommendation embraced in the report and bespeak for them your careful consideration and adoption. The recommendations will be embodied in bills which I trust may meet with favor at your hands.

#### THE NATIONAL GUARD.

The achievements of the National Guard of Alabama in France have been given such publicity, both State and national, that I do not consider it necessary to refer to them here, except to say that such was the glory won by these men, that throughout this nation, and among our allies on the western front, the name "Alabamian" has become synonymous with daring, gallantry and self-sacrifice.

In the future, as in the past, the citizen soldiery will be our main dependence for national defense. Under the provisions of the National Defense Act of 1916 the new National Guard is now being organized in Alabama. This act provides for liberal Federal appropriations and support, but leaves in the hands of the State its constitutional right of appointing officers and training the militia according to the discipline prescribed by the Congress. The pay alone which will come to our National Guardsmen within the next three years will be nearly three-quarters of a million dollars annually, and the money coming into the State from the Federal government for other military purposes will amount to approximately \$250,000 annually. In return for this the Federal government asks of the State that it develop a force equipped, thoroughly trained and disciplined, which can be called upon for military service in time of emergency, and that it provide proper storage facilities and armories for the protection and care of what will be, within the next four years, approximately \$3,000,000 worth of equipment. In order to properly care and account for this valuable property, the State must provide a competent military staff in the adjutant general's department, continuously in the service of the State, and provide for the procuring of proper storehouses and armories in the various communities maintaining military units.

I recommend that the Legislature give to this its unqualified support and endorsement by the enactment of proper military measures, providing as liberal appropriations for the support of the National Guard of Alabama as the condition of the State's finances will permit, thus enabling the State to comply creditably with its military obligations to itself and to the nation.

The delay in the reorganization of our National Guard until June was because of the desire of the war department to await action of the Congress as to the future national military policy, and the return of the former National Guardsmen from overseas, in order that they might be given a part in shaping the military policy of the State, and that those who desired to remain in the service of the State might be utilized as a nucleus for the personnel of the reorganized citizen soldiery.

The future military policy of the United States has not yet been determined, but it is unquestionably true that the National Guard system will form the basis upon which this policy will be founded. Recently sufficient pressure was brought to bear upon the war department by the various states to cause an authorization of the organization of a limited number of

units in such states as could show that local conditions justified the presence of some organized military force. Alabama now has authority to organize one regiment of infantry, and other organizations will be authorized as fast as units are completed. Reorganization is progressing favorably.

For the first year, Alabama, in order to carry out her obligations as defined in the National Defense Act, should maintain a military force of 200 enlisted men for each senator and congressman (a total 2,400 enlisted men), increasing to 800 enlisted men for each senator and representative in Congress (a total of 9,600 men) within four years from June 30, 1919.

I hope you will make it possible for Alabama to do her full duty in the future by contributing for national defense, or other emergency, a body of equipped, trained and disciplined citizen soldiery.

#### ROADS.

In a former message I expressed the opinion that in co-operation with the national government in building public highways lies the solution of the good roads problem. The State highway commission has worked out a plan whereby the greatest possible advantage may accrue to the State and the counties through such co-operation, and the Recess Committee on Finance and Taxation has provided the funds for the purpose. The committee suggests an increase in the license tax on motor vehicles with the provision that the entire proceeds from the tax shall be devoted to the execution of the plans of the highway department which will be presented to you in the form of a bill. The program of the highway department and the method adopted by the committee for carrying it out meet with my hearty approval, qualified only to the extent that the execution of the plan for road development should be made contingent upon the adoption of the method of taxation to raise the revenue for the purpose.

#### WORKMEN'S COMPENSATION.

Permit me to again direct your attention to the subject of a workmen's compensation act. I understand most of you are committed to the passage of a just and equitable compensation law, whereby industry must bear the financial burden of certain human sacrifices. Demand for this legislation is supported by agreement of leading economists, by professors who teach the law and by judges who apply it and it is true, I think, that it is the settled opinion of the business world, employer and employee alike, that there should be an adjustment of industrial accident cases; yet it is by all men admitted to be a problem most difficult of solution. The difficulty of reaching a satisfactory basis for its solution was amply illustrated in your deliberations upon the subject at your first session. Representatives of mining and manufacturing interests assured me that they were sincerely desirous of reaching a just and fair basis of settlement; representatives of employees gave similar assurances; but at the end the two interests were about as far from an agreement as when the matter was first broached. Prejudice should be laid aside. There should be no struggle for advantage by either side. The only question for settlement is as to what is fair and just and workable. Surely this Legislature will not find it impossible to get in line with other progressive states on this very important question.

#### CONVICT SYSTEM.

One of the most perplexing and difficult problems confronting our state involves the control of State convicts. The contract system, while successful from a purely financial point of view, is repugnant to our higher sense

of justice which demands humane treatment of the criminal and a minimum of competition between his labor and that of the free workman. We must abandon it as soon as a better system is found which can be put into practical operation. It would be folly to do so simply to meet a demand that comes from mere emotionalism or sentimentalism based on misunderstanding, exaggeration and impractical, unbusiness-like theories. The question is, *what is a better system and how and when* can it be put into practical operation with the least possible confusion and interference with related departments and interests of the State? I am confident that the question will be satisfactorily answered and that *the end of his administration will mark the end of the lease contract system in this State*. My judgment is that we should move gradually. ~~I have already cancelled several contracts~~ with turpentine operators and rewritten them for expiration at the end of this year. They should *not* be renewed and the convicts should be removed from the turpentine camps, where proper supervision by State officials is impracticable, and placed in other operations. This is in line with the plans of the convict department.

The farming operations of the department should be extended and their scope broadened to give healthful and uplifting employment to a greater number of convicts. Machinery has been ordered for the enlargement and better equipment of the cotton mill at Speigner. This development will be extended further and as far as conditions justify. The long term, able-bodied convicts might be used to advantage in the operation of a coal mine on the State lands. It is *not true* that the working of convicts in the mine is necessarily attended by cruelty and inhumanity as is thought by many good people who have no intimate personal knowledge of the subject. The abuses result from the fact that, under the contract system, the State loses control of the convict when he goes into the mine and does not regain control until he comes out. Under State operation that would not be the case. The same treatment could be insured the convict as is given to the free miner, due allowance being made for the character of the men themselves and the necessity for strict discipline to control them. Many thousands of good men in Alabama voluntarily choose work in coal mines as their life work and it goes without saying that work which is good enough to be the free choice of so many good, law-abiding citizens is not too bad for the criminal. The opening of a State mine should, however, be undertaken only after a most careful investigation that promises a reasonable certainty of success for the experiment. And then convicts may be used in building public highways, when, in the judgment of the State highway department, such use can be made to advantage.

I visited all the convict camps of the State during your recess and am prepared to say that whatever may have been the treatment of convicts in the past all reports of cruel treatment and starvation and generally bad conditions must, in order to conform to truth, *relate, not to the present*, but to conditions which obtained prior to the time when the convict department came under the control of the present management headed by Mr. C. B. Rogers. Conditions are by no means ideal, but under Mr. Rogers' able, painstaking and personal supervision they are being rapidly brought to as high state of perfection as is possible under the contract system.

#### EDUCATION.

The clearest and most significant utterance of a nation's duty and policy in the period of upheaval and readjustment following the great war is sounded in the report of the English committee on juvenile education,

"In the great work of reconstruction which lies ahead there are aims to be set before us which will try, no less searchingly than war itself, the temper and enduring qualities of our race; and in the realization of each and all of these, education with its stimulus and discipline, must be our stand-by. We have to perfect the civilization for which our men have shed their blood and our women their tears; to establish new standards of value in our judgment of what makes life worth living, more wholesome and more restrained ideals of behavior and recreation, finer traditions of co-operation and kindly fellowship between classes and between man and man. These are tasks for a nation of trained character and robust physique, a nation alert to the things of the spirit, reverential of knowledge, reverential of its teachers, and generous in its estimate of what the production and maintenance of good teachers inevitably cost."

It was such a conception as this that impelled me to recommend in my first message to you the creation of a commission to make an impartial study of our educational system. By a joint resolution approved February 6th you directed me to appoint a commission composed of five persons to make a study of the public educational system of the State, including all schools and educational institutions supported in whole or in part from public funds, to determine the efficiency of the same and to report its findings with recommendations for increased efficiency and economy to the governor on or before July 1, 1919.

Acting upon that authority I appointed the following citizens as members of the Alabama education commission, viz: Hon. Sydney J. Bowie, Hon. A. H. Carmichael, Hon. J. E. Dunnaway, Mr. George H. Lanier, and Dr. R. H. McCaslin. The personnel of the commission, the national reputation of the men called to their assistance and the monumental report submitted are proof of the wisdom of the undertaking. It is conceded the country over that the men who did the work in Alabama, collectively constitute the strongest body of men ever brought together to study a state school system. The various findings and recommendations of the survey committee were subjected to the most critical examination and scrutiny by the commission. Some of these recommendations were found ideal and forward-looking, but impracticable at present. A few were believed to be of doubtful propriety because of geographical or racial conditions. The great majority, however, were so constructive and timely as to make it possible to formulate an educational program that will give Alabama, when translated into law, as nearly an ideal school system as is possible under our present Constitution, thereby winning for ourselves a good measure of popular favor and of national respect.

The report of the Alabama education commission is, in my opinion, the most epoch-making pronouncement for public education ever promulgated in Alabama. It will go down in history as Alabama's charter of educational liberty, as the beginning of that articulation and co-ordination of the various parts of our educational system heretofore without parallel or precedent in the history of the State.

All that has been done so far, however, is but preliminary. To rest here is but to falter in duty and to squander opportunity. We would be untrue to the men who fought and bled, and to present and future generations, if we should fail to translate into law the admirable recommendations of the commission, and thus purchase in a large degree for the boys and girls of Alabama, the plenteous and intelligent blessings of life, liberty and happiness.

*This is no time to go backward.* Our work is to be constructive, not destructive. Special legislation growing out of peculiar or abnormal local

conditions *must not be allowed* to blind us to the greater and more compelling obligations which we owe to Alabama. The present machinery for administration of our county schools, which has received the unqualified approval of the survey committee and the Alabama education commission, should be improved by prescribing such qualifications as will necessitate the employment of county superintendents of education meeting reasonable educational standards, both as to scholarship and professional training.

The responsibility for the conduct of the State department of education should be taken from the shoulders of *one man* and placed upon laymen of proven ability, such as compose the Alabama education commission. The office of State superintendent of education should be removed from politics and from the imputation of organized succession and ring domination. ~~Other states have blazed the trail; the way has been charted; a State council of education for the co-ordination and direction of the work of the three~~ institutions of higher learning, and a State board of education to have direction and oversight of the other State educational agencies, are the sure means by which to avoid duplication and waste and to insure a business-like, efficient, and progressive supervision of our educational enterprises; enterprises of the greatest magnitude, of the largest financial outlay and of the most powerful possibilities.

Along with new machinery must come more money. The budget commission and the recess committee on finance and taxation could not see their way clear, in the light of the State's financial condition, to provide all the funds required to meet the conservative claims for additional revenue made by the Alabama education commission, but the sincere desire of the budget commission and the committee, and their great faith in the willingness of the people through you, their agents, to respond to the needs of the new day in Alabama, are reflected in the appropriation of one million dollars from the general fund to the public schools, and in the modest increases to other parts of our school system which you are asked to make.

Let me repeat, *the provision of more revenue is the unalterable condition of progress in education*, as well as in the other lines of improvement which I am recommending. It is my calm and deliberate judgment, that the people of Alabama and of the world were never so conscious as now of the intrinsic worth of education, and were never more ready to enter upon a widening career of development in field, factory, forest and mine; and that this can only come through free, universal education.

There are many phases of the school problem that I should like to call to your attention, but I deem it unnecessary to go into details since the Alabama education commission has prepared a school code which embodies in concrete fashion the policies and plans for the reorganization of our entire public school system. The work of the Alabama education commission, as embodied in the school code, I commend to your wise and favorable consideration.

#### PUBLIC HEALTH.

I have heretofore called your attention to the importance of developing the work of our State board of health. Public health administration is a business. It is a part of the police power of the State and its success depends upon the energy, enthusiasm, and business ability of those in whose hands the administration of this important branch of the government is intrusted.

All public health activities should be directed by the State board of health, and every agency outside of the State wishing to do public health work in Alabama, should use the machinery which the Legislature has

created, and project their efforts through established channels. No work, be it health work or otherwise, can be of permanent benefit to the people unless those engaged in it co-ordinate their activities and build up a permanent organization through which all efforts shall function.

The one object of public health administration is to control diseases which spread from man to man and from community to community, and destroy the health and efficiency of the people. It is worthy of note that diseases like hookworm disease, malaria and venereal diseases *do not* destroy life to any great extent but they *do* destroy the resisting power of the body and make it the easy prey to other diseases which *do kill*. There is not a county in Alabama that is free of these diseases. There is not a county in Alabama from which these diseases cannot be practically banished by the proper application of scientific methods in prevention and control of diseases.

The plan outlined by the State board of health to do its first work in the rural districts meets with my indorsement. No work which has for its object the betterment of society and the ultimate improvement of the race will stand unless its foundations are laid upon the farm. The sanitation of the homes of our farmers should be the first consideration of our health authorities, for as the rural population is strong or weak so is the strength or weakness of the nation.

This department is asking for a largely increased appropriation. While considering the appropriation suggested by the budget commission I hope you will bear in mind that this is the preventive department of the State and that all modern science seems to be in agreement upon the principle of first importance. Our population is our most valuable natural asset; the problem of its conservation should engage your earnest attention and the economic cost of disease should be borne in mind.

#### CHILD WELFARE, FEEBLE-MINDED AND EPILEPTICS.

Intimately related to the public health question is the matter of care for the welfare of the child, the feeble-minded and the epileptic.

It is a well-established principle that the State, as the sovereign power, is the proper and ultimate guardian and keeper of all its people who by reason of mental or physical deficiency are unable to properly care for themselves and compete in the struggle of life with normal people under normal conditions.

The welfare of the child must be protected not alone for its own sake but that the State may conserve the vitality and efficiency of its future citizenship. We have given intelligent heed to the demand for the preservation of animal life and have made provision for official examination of cattle for tuberculosis and hogs for cholera and you have but recently taken expensive, but wise steps, for the eradication of the cattle tick; but we have not been equally concerned about the health, life and welfare of our dependent and defective children, our feeble-minded and our epileptics. Records show that more than twenty-five per cent. of the men examined on the first draft were not physically fit for service—many from causes which might have been eliminated with intelligent care during childhood. During the recess I visited all State eleemosynary institutions except the hospital at Mt. Vernon. At each I found a crying need for more and better facilities, which can be given only through larger appropriations for maintenance in some cases, and for repairs and additions in all cases. I dare say all men will agree that the State owes a sacred duty to the inmates of these institu-

tions, as well as to the other children of misfortune of whom I have spoken for which no provision whatever has been made. But of what avail is our unanimous agreement if no action is taken for the discharge of that duty? *The time has come for action.* If there be among you men who profess sympathy for these unfortunates, and acknowledge the obligation of the State, and yet oppose measures for their relief, because of the cost, let us hope that they belong to that small number who have failed to grasp the meaning and learn the lessons of the war, for; it would be painful to know that any man who had learned those lessons and caught the vision of better things would sacrifice them to his greed and selfishness, or to the selfish demands of a few influential constituents who, under the plans proposed ~~for relief, would be compelled to bear their just share of the cost.~~ The sacred duty of the State toward these unfortunates ~~should be discharged~~ according to the standards of the most enlightened civilization and no consideration of a monetary nature should be allowed to block the way.

Gentlemen, put this matter close to your hearts. Who among you, having a child in one of these unfortunate classes, would not fly to his instant relief *at any cost*? As representatives of the people charged with the same duty are you satisfied to do less? May the God of the helpless give us the will and the courage to rise to the full measure of the awful responsibility that is resting upon you and upon me.

#### FINANCE, TAXATION, REVENUES.

I come now to matters which should *first* engage your attention—the questions of finance, taxation and revenues; for, *upon their solution* depends the extent to which you can go in all other matters involving the expenditure of money. There are three things of vital importance to be considered in this connection: The utter inadequacy of present facilities for the conduct of a great State, the vision of better conditions and a better State, and the courage to realize the vision. The first is universally admitted, the second is clear to all forward-looking men and women, the third rests upon your conscience and judgment.

The recess committee on finance and taxation and the budget commission have considered together matters of taxation, revenue and appropriations and reports will be presented to you, together with bills designed to carry out their recommendations. It is generally conceded that there is throughout the State a great lack of uniformity in the assessment of real property and visible personal property, while millions of dollars of personal property, that is not visible, escapes taxation altogether because of the ease with which the owner of invisible personal property evades his lawful tax burden. It is not to be expected that this Legislature or any other Legislature will be able to devise a system of assessment and taxation that will distribute the tax burden with even and exact justice. That is impossible, and will be until there is a complete change in human nature. The best you can hope to do is to provide machinery for equalization *as nearly as may be possible* and for adjustment of the burden so that its weight will not fall *too heavily* upon *those least able to bear it*, and for distribution of the responsibilities, as nearly as may be, in proportion to the privileges enjoyed and the protection afforded under the government.

The report of your committee suggests changes in the assessment machinery which will, I confidently believe, go far towards bringing about more equal assessments, while the proposed income tax will tend toward equalization in that it will reach the income from property which itself escapes taxation.



The principal sources from which increased revenues must come are incomes, excess profits and certain products of mines and forests. Opposition to the tax on incomes and excess profits has developed recently, starting with a resolution of the Alabama Bankers' Association, which is composed of men who, I had thought, would be among the last to clog the wheels of progress. I doubt not that in their vaults lie hidden safe from the eye of the tax assessor, millions of securities belonging to their customers, on which not a penny of taxes is paid.

*What could be fairer than an income tax?* It is based on the idea that the citizen should pay in accordance with his ability to pay. It varies with the income of the tax payer, being greatest in amount when he can best afford to pay it and smallest in amount when he can least afford to pay it; and it disappears altogether with the income falls to the amount fixed for exemption. Hence it is automatically fair and just. It tends towards the equalization of the tax burden in that it reaches the proceeds of property that now bear *no part of the burden*. I refer to stocks and bonds and other forms of intangible property that so easily escape the eye of the tax assessor.

The excess profits tax touches no business that is not making abnormal profits, and the amount is a just and fair contribution from the abundance of the tax payer.

Under the schedules proposed by your committee these income and excess profits taxes are by no means oppressive or burdensome. A man, having three dependent children, making \$3,000 per year would be assessed \$8.00 per year. If he makes \$5,000 per year he would pay \$48.00 per year; \$10,000, \$222.00, and so on. Is not \$8.00 per year a small amount for a man to contribute to a government that gives free education to his three children? \$2.66  $\frac{2}{3}$  per child per year? If a property holder, he, of course, pays more, for which he receives innumerable benefits.

A corporation employing \$50,000 capital, making \$10,000 per year over and above the salaries of its officers, would pay excess profits of about \$90.00 per year, net, above what it now pays to the Federal government. Think of it, gentlemen, \$90.00 per year, \$7.50 per month, 25c per day, out of \$10,000 profits! A business employing \$100,000, earning \$20,000 per year would pay about \$270.00 per year, net, above what it now pays to the Federal government. I am assuming that these State taxes would be deductible from gross earnings of business like any other State taxes before returns to the Federal government are made. And this is what the bankers' association and certain business organizations are protesting against as an unbearable burden! They will tell you capital is *timid, easily frightened, ready to fly at the first sight of the tax collector*. Much will be said of the *danger of our driving away capital* by the imposition of such taxes. *There is no such danger*. Capital is timid, but I am not at all afraid of a business closing its doors and fleeing to another state rather than contribute \$90.00 per year out of a profit account of \$10,000 per year. Neither am I alarmed at the danger of individuals breaking up their homes and leaving the State to avoid the payment of \$8.00 per year out of incomes of \$3,000 per year. I am sorry the opposition started with the bankers, for, being a banker myself, I have felt a pride in the broad-minded, liberal and patriotic spirit of the bank man, who can generally be depended upon to give sound advice in matters of the kind. It is gratifying to learn that the action of the association, which was taken when only about twenty-five members were present, represents but a *small minority of the bankers of the State*. As the profits go up the tax goes up, as in the case of the tax on incomes, which is in accordance with the modern recognized principle upon which proper taxation is based.

You may expect strong opposition to the suggested small tax on coal, from operators, who, since the war in Europe began, have more than doubled the price of their output. The mining companies—coal and iron—should pay their full and just share of the taxes. These vast mines of wealth were lavished upon the State by a bountiful nature. They have been bought up by private interests who operate them for private gain, to which I offer not one slightest objection, as a matter of course, and are being gradually, but surely exhausted and the land left almost worthless. These lands should be regarded and treated differently from other lands which will yield revenues through the ages to come. Millions of tons of coal and iron ore in some form or other are annually shipped from the State, which process is slowly but surely depleting the natural wealth of the State. This property should be taxed while it is here.

~~If these new sources of revenue~~ are not utilized the only alternative I can see is the raising of the percentage of ~~assessment from 60 to 100~~ per cent. on the dollar. That would increase the present inequalities. For instance, a piece of property worth \$1,000 now assessed at \$600 would be raised to \$1,000. A similar piece of property now assessed at \$300 would be raised to \$500. After these horizontal raises the discrepancy would be increased from \$300 to \$500—the very reverse of equalization. Furthermore, the holder of a \$1,000 bond would go scot free of taxes while the owner of the \$1,000 worth of property lawfully assessed would have his taxes increased 66  $\frac{2}{3}$  per cent. Have the bankers overlooked this possible raise of 66  $\frac{2}{3}$  per cent. in their tax bills in their zeal to protect the non-tax paying bondholder?

The appropriation bills submitted by the budget commission are based on an estimate of revenues to be derived from the revenue bill as drawn and presented by the recess committee. The two bodies worked jointly over the problems of revenue and appropriations. They considered with infinite care every detail brought to their attention by the reports and budgets of every department and institution of the State and gave patient hearing to hundreds of men and women who appeared before them.

Here let me say that this Legislature and the State owe a debt of gratitude to the several recess committees who labored so faithfully in the discharge of the duties you placed upon them. I refer particularly to the joint committee on finance and taxation because, as a member of the budget commission, I had occasion to closely observe their work. For six weeks they toiled incessantly at great personal inconvenience and financial sacrifice. I have never seen a finer example of unselfish, painstaking and patriotic discharge of public duty. I entertain no doubt that other recess committees are equally deserving of praise.

A careful estimate of the revenues reasonably to be expected from the revenue measures was made and the amount proved to be more than four million dollars less than the total of the sum of appropriations necessary to conduct the affairs of the State for the quadrennial period, after they had been cut down to what seemed to be an irreducible minimum. But the actual necessity of keeping the appropriations within the income compelled further reductions. No allowance was made for the payment of the floating State debt, upon my assurance that, by diligence and economies, we could keep it within reasonable bounds during the quadrenium or, perhaps, wipe it out altogether. Any changes in the estimate of revenues resulting from a change in the revenue bill will entail a corresponding change in the appropriation bills. This should be clearly understood and constantly borne in mind that misunderstanding and embarrassment may not arise. The advisability of prompt action is obvious.

The bonded debt of the State is as follows:

Class A Renewal Bonds, due July 1, 1956-----	\$7,137,000	
Annual interest -----		\$ 285,480
Class C Renewal Bonds, due January 1, 1956-----	966,000	
Annual interest -----		33,810
Four per cent. Funding, due January 1, 1920-----	954,000	
Annual interest -----		38,160
Totals-----	\$9,057,000	\$357,450

In determining the floating debt of the State at the beginning of the fiscal period chargeable to this administration it is necessary to take into consideration certain obligations which were intended to have been paid during the calendar year, 1918, out of collections made during the fiscal year ended September 30, 1918. The previous administration in estimating the floating debt inherited from its predecessor, added to the apparent deficit the sum of school and pension appropriations payable during the last three months of 1914, which amount had been previously collected.

Applying the same method to the previous administration as was applied by it to its predecessor, I find the condition of the finances as of September 30, 1918, to have been as follows:

Note outstanding -----	\$ 300,000.00
Warrants outstanding -----	1,588,136.89
One-third of school fund -----	803,675.28
One-fourth of pension fund -----	269,141.00
	<hr/>
	\$2,960,953.17
Less cash on hand -----	56,321.75
	<hr/>
Deficit September 30, 1918-----	\$2,904,631.42

You will observe that if the floating debt is to be paid during this administration, collection of revenue must exceed expenditures by an average of \$726,158 each year. No private business would, for a moment, consider the policy of attempting to carry a huge floating debt in addition to the amount which it could lawfully and conveniently carry in the shape of current accounts and bills payable. Its credit in the supplies markets would be destroyed, with bankruptcy as the natural result to be expected, and so with the State.

Now, if you will provide revenues in accordance with the plans proposed by the recess committee and hold down the appropriations to the amounts suggested by the budget commission, I feel full confidence in giving you the assurance that we will get the State out of embarrassing debt through diligence and the practice of economy and have at the end of this administration a sufficient working balance in the treasury, in the meanwhile taking reasonably good care of the State's obligations to its unfortunate citizens and meeting all proper demands for the conduct of a great and growing State. More should not be expected—we cannot afford to do less.

I earnestly request that you give immediate attention to this matter of taxation and revenues and that you pass the revenue bill before taking up for final disposition any bills carrying appropriations, except such as may be in the nature of emergencies.

## CONCLUSION.

In conclusion permit me to say that the program of legislation which you are asked to consider is not as big as it may seem. It is only big in comparison with what we have heretofore attempted. Set alongside accomplishments in other states it is small indeed. Are you not weary of hearing Alabama referred to as "second or third in the profit derived from the labor of her convicts, but far down the list in her efforts for their reformation; high in illiteracy, but low in public school education; high in the quality of care for the insane, but absolutely without care for the feeble-minded, who are even more in need of it; high in her receipts of donations from other states for the support of educational institutions for the negroes, but low in appropriations for the State University; high in protection of the health of dogs and cattle, but low in protection of the health of the people," as was said by Dr. Hart, of the Russell Sage Foundation, in his admirable report on Social Problems of Alabama, which should be read and re-read by every citizen of the State. I confess that I am tired of such criticisms and I want to co-operate with you in a mighty effort to make them hereafter and forever impossible. It can be done by strict adherence to your highest and best ideals that will make this Legislature memorable for its keen perception of the best ends and the best means and for concrete achievement which is the American patent of nobility.

Thos. E. Kilby,  
Governor.

July 8, 1919.

At the conclusion of the reading of the governor's message, the Senate returned to the Senate chamber and resumed its regular order of business.

## FANS FOR SENATE CHAMBER.

On motion of Mr. Carmichael, the doorkeeper of the Senate was requested to supply the Senate chamber with electric fans sufficient for the comfort of the members.

## ADJOURNMENT.

On motion of Mr. Acker and pursuant to S. J. R. 74, heretofore adopted, the Senate 4:25 P. M. adjourned until Thursday, July 10, 1919, at 11 o'clock A. M.

## TWENTY-SECOND DAY.

Thursday, July 10, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

## PRAYER.

By Rev. Ingram of the House.

## ROLL CALL.

## Present:

Mr. President and  
Messrs:

Acker	Carmichael	Harper	Prestwood
Baker	Cowan	Kelly	Rogers (Lauderdale)
Beale	Craft	Leith	Rogers (Sumter)
Bedsole	Ellis	Miller	Sims
Briscoe	Espy	Moore	Smith (Coosa)
Brown	Evins	Morris	Smith (Lawrence)
Butler	Griffith	McDowell	Tally
Carlton	Gunter	Phillips	West

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## JOURNAL.

On motion of Mr. Bedsole, the reading of the Journal of yesterday was dispensed with and the same was approved by the Senate.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Griffith:

S. 220. To define the jurisdiction of justices of the peace and notaries public who are ex-officio justices of the peace in precinct one in Cullman county, and to provide for the service of process from their courts.

## Local Legislation.

(With notice and proof attached and herewith exhibited as follows.)

## NOTICE OF INTENTION

To apply to the July session, 1919, of the Legislature of Alabama for the following local law for Cullman county, Alabama.

## AN ACT

To define the jurisdiction of the justices of the peace and notaries public who are ex-officio justices of the peace in precinct one in Cullman county, and to provide for the service of the process from their court.

Section 1. Be it enacted by the Legislature of Alabama, That justices of the peace and notaries public who are ex-officio justices of the peace in and for precinct No. 1 in Cullman county, Alabama, shall have and may exercise jurisdiction in all civil cases, except in public cases of libel, slander, assault and battery and ejection within the said limits of said county of Cullman, to the amount not to exceed one hundred dollars.

Section 2. Be it further enacted that the constable of said precinct may execute all process issuing from the courts of such justices of the peace and notaries public with ex-officio powers, and for the execution of all such process outside of said precinct No. 1, they shall be entitled to the same fees as are by law allowed to sheriffs for like services.

Section 3. Be it further enacted that all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

W. O. Hill.

The State of Alabama, }  
Cullman County. }

Before me, Leona Torrey, a notary public in and for said county and State, personally appeared Mrs. Joseph R. Rosson, publisher of The Cullman Democrat, a weekly newspaper published in Cullman, Cullman county, Alabama, and being duly sworn, says that the notice of which the attached is a true copy, was published in said newspaper, once a week, for 4 successive weeks and being in the issues of said newspaper of the following dates, viz: June 12, 19, 26, July 3, 1919.

Mrs. J. R. Rosson,  
Publisher.

Sworn to and subscribed before me this the 7th day of July, 1919.

(Seal.) Leona Torrey,  
Notary Public.

By Mr. Tally:

S. 221. To make the clerks of the circuit courts in all counties of this State having a population of more than 32,900 and not more than 33,000, according to the Federal census of 1910, ex-officio clerks of the county courts to prescribe their duties and fix their compensation and provide for the payment of the same.

Revision of Laws.

By Mr. Tally (by request):

S. 222. To amend sections 11, 18 and 32 of an act entitled "An act to prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of such commissions and regulate the empanelling of grand and petit juries in all the courts of this State," approved August 31, 1909.

Revision of Laws.

By Mr. Acker:

S. 223. To fix the salary of the judge of the county court in all counties having a population of not less than thirty-nine thousand one hundred ten (39,110) and not more than thirty-nine

thousand two hundred (39,200) according to the Federal census of 1910 and provide for the payment of the same.

Finance and Taxation.

By Mr. Acker:

S. 224. To propose and submit to the qualified electors of the State of Alabama at an election to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed, an amendment to the Constitution of Alabama, whereby municipal corporations therein not exceeding in the total in any one year two (2) per centum of the value of such property as assessed, as provided by the Constitution and the statutes now or hereafter enacted pursuant to the Constitution, provided, that the total rate of taxation levied by such municipal corporations shall not in any one year exceed one and one-half ( $1\frac{1}{2}$ ) per centum per annum, unless the rate in excess thereof shall have been submitted to and authorized by ballot by the qualified electors of such municipal corporations, respectively, at elections to be held by them from time to time for such purposes and to provide for such elections.

Constitution and Constitutional Revision.

(This bill was read at length as required by the Constitution.)

By Mr. Sims:

S. 225. To amend subdivision one of section 3074 of the Code of Alabama of 1907.

Judiciary.

By Mr. Sims:

S. 226. To amend chancery rule 2, on page 1529, of the Code of Alabama of 1907.

Judiciary.

By Mr. Sims:

S. 227. To repeal an act entitled "An act to amend section 4648 of the Code of Alabama of 1907," approved August 5th, 1915.

Judiciary.

By Mr. Sims:

S. 228. To amend section 6918 of the Code of Alabama.

Judiciary.

By Mr. Sims:

S. 229. To amend section one of an act entitled "An act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained," approved Sept. 10th, 1915.

Public Roads and Highways.

By Mr. Sims:

S. 230. To fix the amount of ex-officio fees of sheriffs in all counties having a population of more than 37,900 and less than 39,000 according to the 1910 Federal census where the assessed value of real and personal property in such counties exceeds ten million dollars and to provide for the payment of the same.

Finance and Taxation.

By Mr. Sims:

S. 231. To provide for a judge of the county court, fix his compensation, provide for a clerk of such court and fix his compensation, and also fix the compensation of the sheriff for services in such court in all counties having a population of more than 37,900 and less than 38,000 according to the Federal census of 1910 and to provide for the payment of the same.

Judiciary.

By Mr. Sims:

S. 232. To fix the amount of ex-officio fees of clerks of the circuit court in all counties having a population of more than 37,900 and less than 38,000 according to the 1910 Federal census where the assessed value of real and personal property in such counties exceeds the sum of ten million dollars and to provide for the payment of the same.

Finance and Taxation.

By Mr. Briscoe:

S. 233. To require the superintendent of banks to certify and pay to the treasurer of the State of Alabama all funds remaining in the hands of the superintendent of banks, uncalled for, which have been held by him in trust for depositors and creditors of liquidated banks, from which they were received after three (3) years from the final liquidation of such banks.

Banking and Insurance.

By Mr. Briscoe:

S. 234. To regulate and require the licensing of agents, special agents, solicitors and brokers for insurance in the State of Alabama; to regulate the execution and delivery of policies of insurance, and the commissions to be paid thereon; fixing penalties, and repealing conflicting laws.

Banking and Insurance.

By Mr. Briscoe:

S. 235. To amend an act entitled "An act authorizing and regulating certain classes of indemnity contracts, empowering corporations to make such contracts and fixing certain fees and the penalty for violations thereof," approved August 25, 1915.

Banking and Insurance.



By Mr. Briscoe:

S. 236. To amend an act to provide for the organization or admission and the regulation and taxation of incorporated mutual insurance companies other than life.

Banking and Insurance.

By Mr. Bealle:

S. 237. To change the name of the Mount Vernon Hospital to that of "The Searcy Hospital."

Penitentiary, Prison and Prison Punishment.

By Mr. West:

S. 238. To provide for and regulate the use of grand and petit juries for the criminal divisions of all circuit courts of this State, holding at the county site, in all circuits which are now or may hereafter be composed on only one county and in which there are now or may hereafter be provided more than three judges, independent of an separate and apart from the juries for the other divisions of such courts, and to regulate the transfer of juries from civil to criminal divisions thereof, and from criminal to civil divisions thereof.

Judiciary.

By Mr. West:

S. 239. To amend section ten (10) of an act approved September 25, 1915, and entitled "An act to provide for the appointment of an official court reporter by each circuit judge in Alabama; to fix their compensation, define their duties and provide for special reporters in certain cases.

Judiciary.

By Mr. West:

S. 240. To provide for the inspection of all public or private hospitals, reformatories, houses of detention, convents, asylums, sectarian seminaries, schools or institutions, by the sheriff of the county in which such institutions are situated, or by the grand jury thereof, or by any person or persons appointed by the circuit judge of the circuit in which such institutions are located, upon the petition of twenty citizens of said county or district, or by the volition of said judge, and to prescribe penalties for the violation thereof.

Education.

By Mr. West:

S. 241. To prohibit involuntary servitude or forcible detention in public or private hospitals, reformatories, houses of detention, convents, asylums, sectarian seminaries, schools or institutions, and providing penalties therefor.

Education.

By Mr. West:

S. 242. To repeal an act entitled an act to declare the twelfth day of October a legal holiday, to be known as "Columbus Day," approved March 4th, 1911, Acts 1911, page 91.

Revision of Laws.

By Mr. Rogers of Sumter:

S. 243. To amend section 6958 of the Code of Alabama.

Fish, Game and Forestry.

By Mr. Prestwood:

S. 244. To repeal an act entitled, "An act to make mandatory the working of the male county convicts of Covington county on the public roads, bridges and public works of said county, and providing therefor," approved September 10th, 1915.

Committee on Penitentiary, Prison and Prison Punishment.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE.

Notice is hereby given that a bill will be introduced at the adjourned session of the Legislature of Alabama, to be convened in July, 1919, repealing a local act for Covington county approved September 10th, 1915, entitled an act "to make mandatory the working of the male convicts of Covington county on the public roads, bridges and public works of said county, and providing therefor."

J. Morgan Prestwood.

Dated May 30th, 1919.

The State of Alabama, }  
Covington County. }

Before me, H. J. Brogden, clerk of the circuit court in and for said county and State, personally appeared Oscar M. Dugger, who, being duly and legally sworn, deposes and says that he is editor and owner of the Andalusia Star, a newspaper published in Covington county, Alabama, and which is a semi-weekly newspaper; that the above and foregoing notice, was inserted in said Andalusia Star, and has been published and has appeared regularly and consecutively in four weekly issues of said Andalusia Star; that said notice was published in the June 6th, 1919, June 13th, 1919, June 20th, 1919, June 27th, 1919, issues of said Andalusia Star.

Oscar M. Dugger.

Sworn to and subscribed before me this the 7th day of July, 1919.

(Seal.)

H. J. Brogden,  
Clerk Circuit Court.

By Mr. Prestwood:

S. 245. To repeal an act entitled, "An act to provide for and regulate the compensation of State witnesses in all courts of record for Covington county, exercising criminal jurisdiction and to provide for the payment of same," approved August 20th, 1915.

Committee on Finance and Taxation.

With notice and proof thereto attached and herewith exhibited as follows:

## NOTICE.

Notice is hereby given that a bill will be introduced at the adjourned session of the Legislature of Alabama, to be convened in July, 1919, repealing a local act for Covington county, approved August 20th, 1915, entitled, an act "to provide for and regulate the compensation of State witnesses in all courts of record for Covington county, exercising criminal jurisdiction, and to provide for the payment of the same."

Dated May 29th, 1919.

J. Morgan Prestwood.

The State of Alabama, }  
Covington County. }

Before me, H. J. Brogden, clerk of the circuit court in and for said county and State, personally appeared Oscar M. Dugger, who, being duly and legally sworn, deposes and says that he is editor and owner of the Andalusia Star, a newspaper published in Covington county, Alabama, and which is a semi-weekly newspaper; that the above and foregoing notice, was inserted in said Andalusia Star, and has been published and has appeared regularly and consecutively in four weekly issues of said Andalusia Star; that said notice was published in the June 6th, 1919, June 13th, 1919, June 20th, 1919, June 27th, 1919, issues of said Andalusia Star.

Oscar M. Dugger.

Sworn to and subscribed before me this the 7th day of July, 1919.

H. J. Brogden,

Clerk Circuit Court.

(Seal.)

By Mr. Bedsole:

S. 246. To provide for a proper return of subpoenas to witnesses and to fix the liability of the sheriff for failure of service.  
Committee on Revision of Laws.

Also:

S. 247. To establish a child welfare department for the State of Alabama, to prescribe its duties, functions and powers; to provide for the appointment of an executive and other officers of such department, to define their duties, to provide for their compensation, and to provide for the maintenance and other expenses of such department.

Committee on Finance and Taxation.

Also:

S. 248. To amend section 6112 of the Code of 1907.

Committee on Revision of Laws.

By Mr. Miller:

S. 249. To repeal section 6698 of the Code of Alabama of 1907, and to make the clerks of the circuit courts of the respective counties ex-officio clerks of the county courts of said counties; to provide payment for services of such clerks, manner of payment and to provide for a bond as such clerk.

Committee on Revision of Laws.

By Mr. Morris:

S. 250. To provide for the inspection by State authorities of every private institution in which citizens of Alabama and of

other states are kept in confinement by sanitoriums, private hospitals, private asylums, private orphanages, houses of the Good Shepherd, convents, monasteries or any other institution under any other name, maintained by private individuals, corporations, churches or charitable institutions within the State of Alabama, and for other purposes.

Committee on Education.

By Mr. Morris:

S. 251. To amend section 1759 of the Code of Alabama, 1907. (Relates to school year, school month, and school day.)

Committee on Education.

By Mr. Morris:

S. 252. To amend subdivision 7 of section 6 of an act approved August 16, 1915. (Relates to consolidation of schools and the transportation of pupils at public expense.)

Committee on Education.

By Mr. Morris:

S. 253. To amend section 5 of an act approved September 15, 1915. (Relates to attendance districts and attendance officers under the compulsory education law.)

Committee on Education.

By Mr. McDowell:

S. 254. To amend section 3746 of the Code of Alabama of 1907.

Committee on Judiciary.

By Mr. McDowell:

S. 255. To exempt Confederate soldiers from paying a license tax on business conducted by them personally in the State of Alabama.

Committee on Finance and Taxation.

By Mr. McDowell:

S. 256. To provide bail pending an appeal in all felony cases where the defendant is sentenced to the penitentiary for a term of ten years, or less.

Committee on Judiciary.

By Mr. McDowell:

S. 257. To permit defendants in misdemeanor cases to waive trial before the court wherein the proceedings are pending, and to submit the investigation of the case to the grand jury at the next session.

Committee on Judiciary.

By Mr. McDowell:

S. 258. To authorize the equity courts in this State to correct errors in the description of lands sold by any decree of the equity courts in this State.

Committee on Judiciary.

By Mr. McDowell:

S. 259. To require the several counties in this State to be liable for injuries received by persons or property injured by any defects upon any bridge on the public highways of this State, regardless of whether the said bridge was erected by the county, or by a contractor for the county.

Committee on Judiciary.

By Mr. Baker:

S. 260. To require the courts of county commissioners, boards of revenue, or like governing bodies of the several counties of this State to have made and posted along the public highways of their respective counties, sign boards, for the direction of travelers and to provide penalties for failure to perform such duties.

Committee on Public Roads and Highways.

By Mr. Baker:

S. 261. To provide for the drawing of juries in counties of not less than 30,815 and not more than 30,915 population, according to the Federal census of 1910; by whom they are to be drawn, the expenses of the same, the penalties to be imposed for failure to perform the duties provided for by this act, and to repeal all laws in conflict with this act.

Committee on Judiciary.

By Mr. Baker:

S. 262. To provide for the payment of expenses for automobiles for the use of sheriffs in the discharge of their duties as such, in counties of not less than 30,815 nor more than 30,915 population, according to the Federal census of 1910.

Committee on Finance and Taxation.

By Mr. Baker:

S. 263. Providing that mortgages on personal property in this State shall cover only such property as is itemized, described, and written into the mortgage at the time of its execution.

Committee on Revision of Laws.

By Mr. Phillips:

S. 264. To amend section 4340 (2250) (2373) (2751) (2411) (2015) of the Code of 1907 of Alabama. (Relates to the appointment of guardians by the will and testament of the father.)

Committee on Revision of Laws.

By Mr. Phillips:

S. 265. To amend section 3170, of the Code of Alabama, relating to the time decrees on non-residents become absolute.

Committee on Revision of Laws.

By Mr. Phillips:

S. 266. To amend section 2, of an act to regulate and prescribe the manner of giving notice of any and all proceedings in

the courts to non-residents of the State and county in which proceedings are pending, approved September 18, 1915.

Committee on Revision of Laws.

By Mr. Phillips:

S. 267. To amend section 1 of an act entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained, approved September 10, 1915.

Committee on Public Roads and Highways.

By Mr. Gunter:

S. 268. To provide for the payment of fees, allowances and commissions of judges of probate as fixed by law for the collection of licenses and taxes where the license or tax has been collected by institution of legal proceedings and paid into the State treasury within the year next preceding the approval of this act, and thereafter, by any public officer other than the judge of probate, and whether in legal proceedings or otherwise.

Finance and Taxation.

By Mr. Gunter:

S. 269. To authorize boards of revenue in this State in counties which now have, or which may hereafter have, a population of eighty-two thousand people and not exceeding two hundred thousand people, according to the last Federal census, or any census which may hereafter be taken, to appropriate from the general fund of the county and expend not exceeding two thousand dollars per annum for any purposes in their judgment of benefit to the county, not otherwise authorized by law.

Finance and Taxation.

By Mr. Ellis:

S. 270. To authorize the court of county revenues of Dallas county to issue interest-bearing warrants or certificates to holders of claims against Dallas county contracted prior to July, 1918, and ratifying and confirming the action of said court of county revenues in authorizing the issuance of certain interest-bearing warrants prior to July 1st, 1918, and validating the warrants issued for certain purposes.

Finance and Taxation.

(With notice and proof attached and herewith exhibited as follows:)

#### NOTICE.

Notice is hereby given that the undersigned will introduce for passage by the Legislature of Alabama when the same meets in July, 1919, a bill providing substantially as follows:

## A BILL

To be entitled an act to authorize the court of county revenues of Dallas county to issue interest-bearing certificates or warrants to holders of claims against Dallas county contracted prior to July, 1918, and ratifying and confirming the action of the said court of county revenues in authorizing the issuance of certain interest-bearing warrants prior to July 1, 1918, and validating the warrants issued for said purposes.

Section 1. Be it enacted by the Legislature of Alabama, That the court of county revenues of Dallas county shall have authority to authorize and direct the probate judge of said county to issue certificates or warrants which may bear interest at a rate not exceeding six (6) per cent per annum, payable semi-annually, to all persons holding claims against said county which were contracted prior to July, 1918, said certificates running for a period not longer than five years from their date; provided, it shall be optional with the holder of any claim against said county to accept same after it shall have been tendered him under authority of this act.

Section 2. Be it further enacted, That the action of the court of county revenues of said county authorizing the issuance of interest-bearing warrants to creditors of said county, which action was taken and which warrants are issued prior to July 1, 1918, be and the same is hereby ratified, confirmed and said warrants are hereby ratified, confirmed and validated, so far as these warrants were issued in settlement of furtherance of good roads projects, for bridges, teams and maintenance, or in any manner connected therewith or for food or clothing or hardware.

Section 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions hereof be and the same are hereby repealed.

W. M. Vaughan,  
Probate Judge.

The State of Alabama, }  
Dallas County. }

Personally appeared before me, W. M. Vaughan, probate judge in and for said county in said State, M. H. Raiford, who is known to me, and who is known to me to be business manager of Selma Times, a newspaper published daily in Selma, Dallas county, Alabama, who being sworn, deposes and says: That the attached notice was published in said paper on the following dates, to-wit: May 15, 22d, 29th, June 5th, 1919.

M. H. Raiford,  
Business Manager.

Sworn to and subscribed before me this the 7th day of July, 1919.

W. M. Vaughan,  
Probate Judge, Dallas County, Alabama.

By Mr. Evins:

S. 271. To provide for notice to the plaintiff of the filing of pleas of set-off, recoupment or any other pleas upon which a judgment by default may be taken, and to regulate the taking of judgments by default on such pleas.

Judiciary.

By Mr. Evins:

S. 272. To fix the amount of the salaries to be paid to the several justices of the supreme court, the several judges of the court of appeals and the several circuit judges of the State, and to reimburse the treasury for the payment thereof by providing

for a trial fee to be taxed and collected as costs in each case placed upon the dockets of the circuit courts or courts exercising like jurisdiction in civil, criminal, or equity cases, and to be paid into the State treasury.

Finance and Taxation.

By Mr. Evins:

S. 273. To amend section 3993 of the Code of Alabama of 1907, such section being erroneously numbered 2993 on page 633 of the Civil Code of Alabama of 1907.

Revision of Laws.

By Mr. Evins:

S. 274. To provide that in all case swithin six years last past from the date on which this act becomes law, where bills presented to the State by sheriffs for feeding prisoners were not paid when due, that interest shall be paid thereon at the legal rate from the time when due till paid, and appropriating money for such payment.

Finance and Taxation.

By Mr. Evins:

S. 275. To provide that the clerk of the circuit court of Hale county, Alabama, shall be ex-official clerk of the county court of said county, and to prescribe his duties as such, and to fix his compensation.

Revision of Laws.

(With notice and proof attached and herewith exhibited as follows:)

#### NOTICE.

Notice is hereby given that a bill will be introduced in the Alabama Legislature for 1919 providing that the clerk of the circuit court of Hale county, Alabama, be ex-officio the clerk of the county court of Hale county, Alabama, and entitled to the clerk's fees thereof.

State of Alabama, }  
Hale County. }

I, Wm. E. W. Yerby, editor and proprietor of the Greensboro Watchman, a newspaper published weekly at Greensboro, Alabama, hereby certify that the hereto attached notice providing that the circuit clerk of Hale county, Alabama, be made ex-officio clerk of the county court of said Hale county, Alabama, was published in said Greensboro Watchman for four sucive weeks.

Sworn to and subscribed before me this 7th day of July, 1919.

Wm. E. W. Yerby.

Edwin S. Jack,

Notary Public, in and for Hale County, Ala.

By Mr. Craft:

S. 276. To provide for the appointment of an assistant solicitor for each judicial circuit in the State composed of one county with three circuit judges, to fix the term of said office, to pre-



scribe the duties and authority of said assistant solicitor, and to fix his compensation.

### Judiciary.

By Mr. Rogers of Lauderdale:

S. 277. To prohibit live stock from running at large after January 1st, 1920, in all counties having a population of not less than thirty thousand nine hundred and not exceeding thirty thousand nine hundred seventy-five, according to the last or any subsequent Federal census, to provide for its enforcement and fix penalties for its violation.

### Local Legislation.

(With notice and proof attached and herewith exhibited as follows:)

The State of Alabama, }  
Lauderdale County. }

Before me, John L. Hughston, a notary public, personally appeared Prentis Blackwell, who being by me first duly and legally sworn, on his oath states that he is business manager of the Florence Daily Times, a newspaper published in Florence, Lauderdale county, Alabama, and that for four consecutive weeks, to-wit, June 9th, June 16th, June 23rd, and June 30th, there was published in said paper the following notice:

### NOTICE.

Notice is given that the following bill or one in substantially this form will be presented for passage in the present session of the Alabama Legislature.

This June 7, 1919.

B. A. Rogers.

### AN ACT

To prohibit live stock from running at large after January 1st, 1920, in all counties having a population of not less than thirty thousand nine hundred and not exceeding thirty thousand nine hundred seventy-five, according to the last or any subsequent Federal census, to provide for its enforcement and fix penalties for its violation.

Be it enacted by the Legislature of Alabama:

1. That after January 1st, 1920, it shall be unlawful for livestock of every kind to run at large in all counties having a population of not less than thirty thousand nine hundred, nor in excess of thirty thousand nine hundred seventy-five, according to the last or any subsequent Federal census.

2. That any person who owns or has under his control livestock and knowingly or negligently permits the same to run at large or stray into any county affected by this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten nor more than five hundred dollars.

3. That all livestock found at large in counties affected by this act may be taken up and held and subjected to payment of damages in the same manner as is now provided under the general laws in territories where livestock are not permitted to run at large.

4. That should any section of this act be declared void by the courts, such action shall not affect the remainder of this act.

5. That all laws and parts of laws in so far as they conflict with this act, are repealed.

Sworn to and subscribed before me this the 7th day of July, 1919.  
Prentis Blackwell.  
John L. Hughston,  
Notary Public.

By Mr. West:

S. 278. To amend section 3453 of the Code of Alabama of 1907.

Committee on Corporations.

By Mr. Rogers of Lauderdale:

S. 279. To fix the compensation of members of the courts of county commissioners and boards of revenue in all counties having a population of not less than 30,900 and not more than 30,975, according to the last or any subsequent Federal census, and to provide for the payment of the same.

Committee on Local Legislation.

#### LEAVE OF ABSENCE.

Indefinite leave of absence was granted Mr. Nance.

#### RESOLUTIONS.

Mr. Brown offered the following joint resolution:

S. J. R. 78. Whereas, Chaplain John W. Inzer, one of the three national speakers for the American Legion, who covers the South and part of the West in this national organization. Chaplain Inzer has made a national reputation as an orator. His subject, "The American Legion," "The New America," and "The New World;"

Be it resolved by the Senate of Alabama, the House of Representatives concurring, That Chaplain Inzer be invited to speak to a joint assembly of the two houses on Thursday, July 17th, at 12 o'clock, noon, for thirty or forty minutes.

Which was, under a suspension of the rules, adopted, and ordered sent forthwith to the House without engrossment.

Mr. Acker offered the following joint resolution:

S. J. R. 79. Be it resolved by the Senate, the House concurring, that twenty thousand copies of the governor's message delivered to the Legislature on July 8th, 1919, be, and the same are hereby, ordered printed for the use of the members of the Legislature.

Which was, under a suspension of the rules, adopted and ordered sent forthwith to the House without engrossment.

Mr. Briscoe offered the following joint resolution:

By Mr. Briscoe:

S. J. R. 80. Resolved, 1. That a joint committee from the Senate and House of Representatives of the Alabama Legislature is hereby authorized to consist of one member from the Senate to be appointed by the President of the Senate, and two members from the House to be appointed by the Speaker of the House, for the consideration of supervision, care, maintenance and control of county alms houses in the State.

2. It shall be the duty of the committee to consider the whole question of the supervision, care, maintenance and control of county alms houses in the State.

3. It shall be the further duty of the committee to consider all bills and resolutions that are introduced into the Legislature on this subject.

4. The committee is authorized to visit alms houses in the several counties of the State, and their expenses while engaged in the performance of their duties as such committeemen shall be paid upon the certificate of the chairman of said committee.

5. The committee is hereby directed and required to make a full and detailed report of its investigations, findings and recommendations on the subject referred to them to the Legislature not later than the forty-first legislative day, and to submit for the consideration of the Legislature such bills and resolutions as the committee may consider proper.

Which was read and referred to the Standing Committee on Municipalities and Municipal Organizations.

Mr. Baker offered the following joint resolution:

By Mr. Baker:

S. J. R. 81. Whereas, the old Confederate veterans of our State sacrificed their youthful manhood in service to our beautiful southland at the expense of the time when otherwise they might have been engaged in acquiring means for their support and comfort in old age, and often at the expense of their health and a maimed body, which rendered them unable to support themselves; and,

Whereas, any sacrifice of pecuniary means for their benefit falls far short of measuring up to the sacrifices they made in earnest, honest and patriotic zeal for us and ours; and,

Whereas, their ranks are thinned by death and the remaining few, enfeebled by age and affliction, are tottering to the grave in need of help and comfort;

Therefore, as our poor expression of gratitude,

Be it resolved by the Senate, the House of Representatives concurring, that all Confederate veteran pensioners now on the

Confederate veteran pension roll under the laws of Alabama, or who may hereafter be added to said roll, and who belong to classes one and two of said pensioners, shall be paid a pension of fifteen dollars per month, payable monthly on the first day of each month; and those who belong to class three on said pension roll, shall be paid a pension of twelve and one-half dollars per month, payable monthly on the first day of each month.

Resolved further, that these resolutions shall not apply to Confederate veterans who stay at the Confederate veterans home at Mountain Creek.

Which was read and referred to the Standing Committee on Finance and Taxation.

#### REPORT FROM COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Griffith, chairman of the Committee on Revision of the Journal, reported that said committee, in session, had examined the Journals of the Senate for the 15th, 16th, 17th, 18th, 19th, 20th, and 21st legislative days of this session, and find same contain the proper entries in reference to each bill and resolution contained therein, as required by the Constitution.

A. A. Griffith,  
Chairman.

#### COMMITTEE REPORT.

On motion of Mr. Griffith, the foregoing report from the Committee on Revision of the Journal was adopted and the Journals of the 15th, 16th, 17th, 18th, 19th, 20th and 21st legislative days of the session were approved by the Senate.

#### BILL TAKEN FROM CALENDAR AND RE-REFERRED.

On motion of Mr. Smith of Coosa, the bill:

S. 154. To amend act No. 411 approved September 10, 1915, entitled: "An act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained.

Was taken from today's calendar and re-referred by the President of the Senate to the Standing Committee on Public Roads and Highways.

#### MESSAGE FROM THE HOUSE.

The House has originated and adopted the following House joint resolution:

H. J. R. 81. Whereas, the world war, which on Saturday, June 28, 1919, was brought to a victorious close by the associated

power of the free nations of the world, was above all else a war to end war and to protect human rights.

Therefore, be it resolved by the House, the Senate concurring, That we endorse the peace treaty, in full, including the League of Nations incorporated therein, and we believe that such League of Nations, not only aims at promoting the liberty, progress and orderly development of the world, but that it will and does in a large measure provide adequate safeguards for the peace that has been won by the joint forces of the allied nations, and will tend to prevent war and encourage perpetual peace, not only in the United States, but among all of the rest of mankind as the greatest bulwark for the democracy, liberty, justice and law which shall rule the world, sustained by the public opinion of civilization everywhere.

Be it further resolved, That we urge the speedy adoption and ratification of this peace treaty by the Senate of the United States and all of the allied nations, and that a copy of these resolutions be sent to the president of the United States, and to the senators representing the State of Alabama, at Washington.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

H. J. R. 81, set out in the foregoing message from the House, was read at length and referred to the Standing Committee on Rules.

#### BILLS ON THIRD READING.

The bill:

S. 207. To prohibit the assessing or collecting of any privilege or license tax or fee, by municipalities, from persons for conducting or operating any business, trade or profession outside the corporate limits of such municipality.

Was read a third time at length and passed.

Yeas, 19; Nays, 7.

Yeas:

Messrs:

Acker	Carlton	Evins	Sims
Baker	Carmichael	Harper	Smith (Lawrence)
Beale	Cowan	Leith	Tally
Bedsole	Craft	McDowell	West
Butler	Espy	Rogers (Lauderdale)	

—19

Nays:

Messrs:

Briscoe	Gunter	Phillips	Smith (Coosa)
Griffith	Miller	Prestwood	

—7

## RESOLUTION.

Mr. Evans offered the following **Senate joint resolution**:

S. J. R. 82. Be it resolved by the Senate, that the doorkeeper of the Senate be, and he hereby is, directed to have the cloak rooms of the Senate opened and made suitable for the use of the Senate.

Which was, under a suspension of the rules, adopted.

## RECESS.

At 12:15 P. M., on motion of Mr. Acker, the Senate took a recess until 2 o'clock this afternoon.

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AFTERNOON SESSION.—TWENTY-SECOND DAY.

Thursday, July 10, 1919.

The Senate re-assembled at 2 o'clock P. M., Lieutenant Governor Miller presiding.

## ROLL CALL.

On a call of the roll of the Senate 20 members answered to their names, a quorum of the Senate as required by the Constitution.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Craft:

S. 280. To amend the act providing and creating a commission form of government for those municipalities not within the influence or operation of other commission government laws than that approved April eighth, nineteen hundred and eleven, found in the acts of 1911 at pages 330 to 355 inclusive, as amended by the act approved September twenty-fifth, nineteen hundred and fifteen, found in the acts of 1915 at pages 869 to 874 inclusive; by amending the title changing and rearranging sections or parts of sections, repealing provisions, and putting in others, so as to have an amended system of government for such towns and cities.

Municipalities and Municipal Organizations.

By Mr. Phillips (by request):

S. 281. To amend section 2593 of the Code of Alabama.

Revision of Laws.

By Mr. Acker:

S. 282. To amend an act entitled "An act to authorize the recording of affidavits relating to lands in certain instances, and to make said affidavits, or certified copies of the record thereof, evidence sufficient prima facie to establish the facts therein recited.

Judiciary.

#### REPORTS OF COMMITTEE.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

S. 215. To secure to persons the right of way over lands of other persons.

S. 204. To regulate the admission of evidence in the trial of criminal cases.

S. 188. To provide for the dissolution of municipal corporations having population of less than 500 inhabitants.

S. 212. To declare the eleventh day of November in each and every year a memorial day for the Alabama soldiers who died in the recent war, and to make the day a legal holiday in Alabama.

S. 158. To amend section 1 of an act entitled, "An act to regulate the procedure in unlawful detainer suits brought by a landlord against his tenant in counties of less than 105,000 and more than 80,000 of population according to the last Federal census or any subsequent Federal census; to prescribe the clerk's and sheriff's fees in such suits; and to provide for and regulate appeals therein, including the bonds to be given on appeal," approved Septemebr 18, 1915.

S. 159. To provide and prescribe an additional mode of service in all proceedings in the courts of this State upon non-residents of this State, and upon residents of this State, who have been absent from the State for at least six months prior to the institution of such proceedings, and upon any and all residents of this State, who conceal themselves so that process can not be served upon them; and to declare the force and effect of such service; and to prescribe the time within which orders, judgments and decrees rendered in such proceedings upon such service shall become final.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with an adverse report, and they were severally read a second time and placed on the adverse calendar, to-wit:

S. 126. To prohibit the assessing or collecting of a license tax on certain vehicles.

S. 153. To provide for appeals, and the suspension of the execution of sentence in criminal cases tried in municipal courts.

#### RESOLUTION.

Mr. Brown offered the following Senate joint resolution:

S. J. R. 83. Whereas, the Hon. Woodrow Wilson, President of the United States, will make a tour in behalf of the covenant of the league of nations;

Be it resolved by the Senate, the House concurring, that Mr. Wilson be requested to speak to a joint meeting of the Legislature of Alabama at a time and date to be set by him before the final adjournment of the Legislature.

Be it further resolved, that the President of the Senate and the Speaker of the House of Representatives shall notify Mr. Wilson of this invitation.

Which was read and referred to the Standing Committee on Rules.

#### ADJOURNMENT.

At 2:30 o'clock P. M., on motion of Mr. Morris, the Senate adjourned until 11 o'clock tomorrow morning.



## TWENTY-THIRD DAY.

Friday, July 11th, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

## PRAYER.

By Red Seymour of the city.

## ROLL CALL.

## Present:

Mr. President and

Messrs:

Acker	Carmichael	Kelly	Prestwood
Baker	Craft	Miller	Rogers (Lauderdale)
Beale	Ellis	Moore	Rogers (Sumter)
Bedsole	Espy	Morris	Smith (Coosa)
Briscoe	Evins	McDowell	Smith (Lawrence)
Brown	Gunter	Norwood	Tally
Butler	Harper	Phillips	West
Carlton	Huddleston		

—30

## JOURNAL.

On motion of Mr. Phillips, the reading of the Journal of yesterday was dispensed with and same was approved by the Senate.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Rogers of Lauderdale:

S. 283. To fix the open season for hunting and shooting doves and squirrels in counties having a population of not less than 30,900 and not in excess of 30,975 according to the last or any subsequent Federal census.

Fish, Game and Forestry.

Also:

S. 284. To amend section 18 of an act approved April 22, 1911.

Public Roads and Highways.

By Mr. Acker:

S. 285. To make an appropriation for the relief of Robert H. Greene.

Finance and Taxation.

(With notice and proof attached and herewith exhibited as follows:)

Montgomery, Alabama, July 9th, 1919.

State of Alabama, }  
County of Montgomery. }

Personally appeared before me, William Berridge, a notary public in and for said State and county, E. E. Slantz who, being duly sworn deposes and says that he is bookkeeper of The Montgomery Times, a newspaper published in Montgomery, in said State and county, and that the notice (a true copy of which is hereto attached) was published in said paper for four consecutive weeks (one insertion each week) commencing on the 11th day of June, 1919.

(Signed) E. E. Slantz.

Given under my hand this 9th day of July, 1919.

(Signed) Wm. Berridge,

(Seal.)

Notary Public, Montgomery County, Alabama.

State of Alabama, }  
Montgomery County. }

Notice is hereby given of the intention of Robert H. Greene to apply to the present Legislature, convening at the capitol, July 8th, 1919, to pass a bill for his relief as secretary of the Supreme Court. The substance of the proposed law will be, a provision recouping said Greene for payments of money during the years 1917-1918, for extra clerical assistance necessary in said department; and appropriating for said purpose from funds in the State treasury, eight hundred fifty-six dollars and twenty-one cents.

Montgomery, Alabama, June 11th, 1919.

Robert H. Greene.

By Mr. Moore:

S. 286. To authorize any bank or trust company doing a banking business, to receive deposits, and, or pay checks or sight drafts and transact other business on any legal holiday, excepting Sunday.

Banking and Insurance.

Also:

S. 287. To amend section 6967 of the Code. (Relates to hunters' license.)

Fish, Game and Forestry.

By Mr. Baker:

S. 288. To amend an act entitled an act to designate certain public roads of the State of Alabama as State trunk roads, and to provide the manner in which such roads shall be located, improved and maintained.

Public Roads and Highways.

Also (by request):

S. 289. To provide how any fraternal benefit society or societies organized or doing business under the laws of this State, may consolidate, merge or reinsure its or their insurance risks with any other fraternal benefit society or societies; and to provide how any such society or societies may assume, insure or reinsure

the risk of any other fraternal benefit society or societies; and to provide penalties for the violation of the provisions hereof.

Banking and Insurance.

By Mr. Phillips:

S. 290. To amend an act to provide for the registration of electors.

Privileges and Elections.

By Mr. Phillips:

S. 291. To require the court of county commissioners, boards of revenue or other governing body of the county, to erect sign boards at the intersection or crossing points of all roads and prescribing a penalty for the failure to perform said duty.

Public Roads and Highways.

By Mr. Gunter (by request):

S. 292. To regulate the practice of chiropody (podiatry) in the State of Alabama; to provide for the establishment of a State board of chiropody (podiatry) examiners; to define the duties and powers of said board; to provide for the examining and registration of chiropodists (podiatrists) in this State; and to provide penalties for the violation of this act.

Public Health.

By Mr. Carmichael:

S. 293. To amend section 928 of the Code of Alabama of 1907.

Revision of Laws.

Also:

S. 294. To amend an act entitled an act "To regulate the charging of fees and furnishing of information within the several departments of the State, and to provide for the covering into the State treasury of such fees," approved September 29, 1915.

Finance and Taxation.

By Mr. Espy (by request):

S. 295. To authorize any bank or trust company incorporated under the laws of the State of Alabama to become a member of a Federal reserve bank, and in such event to be subject to all the provisions of the act of Congress known as the Federal Reserve Act and amendments thereto; to provide and define the reserves to be kept by banks and trust companies incorporated under the laws of this State which are or may become such members of the Federal reserve system; to permit the authorities of this State which supervise and examine banks and trust companies organized under its laws, to accept the examinations and audits made pursuant to the Federal reserve act of such banks and trust companies as become members of the Federal reserve system, and for other purposes.

Banking and Insurance.

By Mr. Smith of Lawrence:

S. 296. To authorize W. J. Lee, E. E. Etheredge, and R. N. Streater, and their successors in office, as trustees of public school district No. 59 in the town of Town Creek, Lawrence county, Alabama, to execute a mortgage and borrow money on the real estate belonging to said trustees and their successors in office, in the town of Town Creek, Lawrence county, Alabama.

Local Legislation.

(With notice and proof attached and herewith exhibited as follows:)

#### NOTICE.

That a bill will be introduced in the present Legislature of Alabama, when it convenes in July, to be entitled, "An act to authorize W. J. Lee, E. E. Etheredge and R. N. Streater, trustees of school district 59 in the town of Town Creek, Lawrence county, Alabama, and their successors in office to execute a mortgage and borrow money on the following land, to-wit:

Beginning at a point one hundred and fifty seven yards west from the center of the Greens Bluff public road where said Greens Bluff road crosses the Courtland and Tuscumbia public road and run thence north eighty-one yards, thence west one hundred and twenty yards, thence east one hundred and twenty yards to point of beginning, situated, lying and being in section 29, township 4, range 8, in the State of Alabama.

Also:

Two acres of land being at the north east corner of the two acres of land herein above first described and thence running north eighty one yards, thence west one hundred and twenty yards, thence south eighty-one yards, thence east one hundred and twenty yards to point of beginning, situated, lying and being in the town of Town Creek, county of Lawrence, State of Alabama, owned by them as trustees of said district 59 in the town of Town Creek, Lawrence county, Alabama; said money to be used by them, or their successors in office, for the purpose of erecting a school building in the town of Town Creek, on said lands, for the benefit of the schools of said town, and to do and perform all acts that are necessary in order to make said loan legal and binding upon said lands above described.

This May 10, 1919.

W. J. Lee,  
E. E. Etheredge,  
R. N. Streater.

State of Alabama, }  
Lawrence County. }

Before me, W. R. Jackson, clerk of the circuit court of Lawrence county, Alabama, this day personally appeared J. L. O. Thompson, who being by me duly sworn, deposes and says that he is manager and editor of the "Moulton Advertiser," a newspaper published in the town of Moulton, Lawrence county, Alabama; that the notice above, and which is hereto attached was inserted, published and appeared regularly in said "Moulton Advertiser," in said Lawrence county, Alabama, once a week for four (4) consecutive weeks, without cost to the State of Alabama.

J. L. O. Thompson.

Subscribed and sworn to before me this the 7th day of July, 1919.

W. R. Jackson,  
Clerk of the Circuit Court of Lawrence County, Alabama.

By Mr. Smith of Lawrence:

S. 297. To ratify and confirm an election held by the qualified voters of the town of Town Creek in Lawrence county, Alabama, on the 15th day of April, 1918, for the purpose of ascertaining whether or not said town would issue bonds in the sum of \$5,000 to draw interest at the rate of 5% per annum, and to further authorize the mayor and aldermen of Town Creek, Lawrence county, Alabama, to sell said bonds, and to use the money and proceeds of the sale of said bonds in the erection and equipping of a school house in the town of Town Creek, Lawrence county, Alabama, known as school district No. 59, which school building is to be used for the benefit of the children of the town of Town Creek, Lawrence county, Alabama.

Local Legislation.

(With notice and proof attached and herewith exhibited as follows:)

#### NOTICE.

That a bill will be introduced in the present Legislature of Alabama, at its session beginning in July, entitled, "An act to ratify and confirm an election held by the qualified votes of the town of Town Creek, in Lawrence county, Alabama, on the 15 day of the April month of the 1918 year for the purpose of ascertaining whether or not said town would issue bonds in the sum of five thousand (\$5,000.00) dollars, to draw interest at the rate of five (5) per cent per annum for the purpose of erecting a school house in the town of Town Creek, Alabama, and to further authorize the mayor and aldermen of the town of Town Creek, Lawrence county, Alabama, to sell said bonds, and to use the money, the proceeds of the sale of said bonds in the erecting and equipping of a school house in the town of Town Creek, Lawrence county, Alabama, known as school district 59, which school is to be used for the benefit of the children in the town of Town Creek, Lawrence county, Alabama.

This May 10, 1919.

W. J. Lee,  
E. E. Etheredge,  
R. N. Streater.

State of Alabama, }  
Lawrence County. }

Before me, W. R. Jackson, clerk of the circuit court of Lawrence county, this day personally appeared J. L. O. Thompson, who being by me duly sworn, deposes and says that he is manager and editor of the "Moulton Advertiser," a newspaper published in the town of Moulton, Lawrence county, Alabama, and that the notice above, and which is hereto attached, was inserted, published, and appeared regularly in said "Moulton Advertiser," in said Lawrence county, Alabama, once a week for four (4) consecutive weeks, without cost to the State of Alabama.

J. L. O. Thompson.

Subscribed and sworn to before me this the 7th day of July, 1919.

W. R. Jackson,  
Clerk of the Circuit Court of Lawrence County, Alabama.

By Mr. Espy:

S. 298. To further provide for improvement and maintenance of the public roads and bridges of Henry county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service, and levy and collect a vehicle tax and to provide penalty for violations of and failures to comply with provisions created under authority of this act.

Local Legislation.

(With notice and proof thereto attached and herewith exhibited as follows:)

#### NOTICE.

Is hereby given of application for passage by the Alabama Legislature when it reconvenes in regular session July 8th, 1919, for the following local act for Henry county, to-wit:

#### A BILL

To be entitled an act to further provide for improvement and maintenance of the public roads and bridges of Henry county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service, and levy and collect a vehicle tax and to provide penalty for violation of and failure to comply with provisions created under authority of this act.

Be it enacted by the Legislature of Alabama:

Section 1. That on and after the passage of this act, the court of county commissioners of Henry county, Alabama, be and hereby is authorized and empowered to fix a per capita road tax not exceeding ten (\$10.00) dollars per annum, which, at the option of the person liable to and required to render the same, may be paid in lieu of the road and bridge service required by law to be rendered in said county, providing the same is paid under such regulations as said court may prescribe, otherwise said service to be rendered under direction of said court. And said court is hereby further authorized and empowered to levy and provide for the collection thereof, a special privilege license tax for each vehicle, other than motor and other self-propelling vehicles, used upon the public roads and bridges of said county, to be paid annually. Providing that said per capita tax, if paid, and vehicle privilege license tax, if collected, shall be expended upon the roads and bridges of the precinct from which paid in so far as the same is practicable so to do with the purpose in view that all the roads and bridges of said county may be improved and maintained to as uniform a standard and condition as practicable, less cost of collecting thereof and accounting therefor, under the direction of said court.

Section 2. That is hereby made a misdemeanor for any person or persons to violate or fail to comply with any provisions and regulations created by said court under authority of this act, and on conviction, shall be punished by a fine of not exceeding one hundred dollars payable in lawful money, and may be also be sentenced to hard labor for the county for not more than thirty days, either or both, at the discretion of the court or jury trying the case, and each violation of and failure of compliance with such regulations shall constitute a separate offense.

Section 3. That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed, and to repeal or modify this act or any portion hereof, the same shall be done in the same manner as its passage, including publication notice thereof.

Deemed by the court of county commissioners of Henry county, Alabama, at its June term, 1919, as applicable to entire said county.

H. W. Owens,  
Judge of Probate, as Chairman.

#### PROOF OF NOTICE OF PUBLICATION.

State of Alabama, }  
Henry County. }

Personally appeared before me, H. W. Owens, judge of probate in and for said county, H. H. Golson, who being duly sworn, deposes and says, that he is editor and publisher of The Abbeville Herald, a newspaper published in the town of Abbeville in said county, which has a general circulation in said county, in which newspaper was published for four consecutive weeks the foregoing and attached law, on dates, to-wit: June 12th, 19th and 26th, also July 3rd, 1919.

H. H. Golson,  
Editor and Publisher.

Sworn and subscribed to before me, this July 9th, 1919.

H. W. Owens,  
Judge of Probate.

By Mr. Espy:

S. 299. To authorize the court of county commissioners of Henry county, Alabama, to settle, adjust and refund, or either, the outstanding unpaid indebtedness against said county, by directing all or any portion of the surplus funds thereof on hand, disbursed in payment of all or any portion of the matured part of said indebtedness, and authorize the issuance of interest-bearing warrants of said county for the remainder or any portion thereof of said indebtedness, also authorize such warrants to issue for all or any part of the outstanding unpaid unmatured indebtedness against said county, providing to such warrants the same protection to which said indebtedness is entitled, in order that the income of said county, after defraying current governmental expenses, may be arranged to pay said indebtedness.

Local Legislation.

(With notice and proof thereto attached and herewith exhibited as follows:)

#### NOTICE.

Notice is hereby given of application for passage by the Alabama Legislature when it reconvenes in regular session July 8th, 1919, of the following local act for Henry county, to-wit:

#### A BILL

To be entitled an act to authorize the court of county commissioners of Henry county, Alabama, to settle, adjust and refund, or either, the outstanding unpaid indebtedness against said county, by directing all

or any portion of the surplus funds thereof on hand, disbursed in payment of all or any portion of the matured part of said indebtedness, and authorize the issuance of interest-bearing warrants of said county for the remainder or any portion thereof of said indebtedness, also authorize such warrants to issue for all or any part of the outstanding unpaid unmatured indebtedness against said county, providing to such warrants the same protection to which said indebtedness is entitled, in order that the income of said county, after defraying current governmental expenses, may be arranged to pay said indebtedness.

Be it enacted by the Legislature of Alabama:

Section 1. That on and after the passage of this act, the court of county commissioners of Henry county, Alabama, be and hereby is authorized and empowered to settle, adjust and refund, or either, the outstanding unpaid indebtedness against said county, by directing the disbursement of all or any portion of the surplus funds thereof on hand, in payment of all or any portion of the matured part of said indebtedness, which is hereby designated as the principal and interest of matured interest-bearing warrants, the matured interest of unmatured interest-bearing warrants and the non-interest-bearing warrants bearing no date of maturity, but payable upon presentation, by passing and entering upon its minutes an order or orders in term time, a copy or copies of which order or orders shall be by the judge of probate certified to the treasury department of said county, by whatever style the same may be, whether depository or otherwise, which shall be sufficient authority for the disbursement of said funds by said treasury department, providing the same shall be so disbursed according to order of registration, priority and preference and from the fund, respectively against which the same is a charge. And said court is hereby further authorized and empowered to direct the issuance of interest-bearing warrants of said county, in settlement, adjustment and refunding, or either, of all or any portion of the remainder of said indebtedness, and also direct the issuance of interest-bearing warrants of said county, in settlement, adjustment and refunding, or either, of all or any portion of the outstanding unpaid unmatured indebtedness against said county, which is hereby designated as the unmatured principal and unmatured interest of interest-bearing warrants any or all of which unpaid. Providing the same protection to such warrants to which said indebtedness is entitled including levy and collection of taxes for the payment thereof, according to law. The purpose of this act being to arrange that said indebtedness may be paid from said surplus funds on hand, and from the surplus which may accrue from the income of said county, after defraying the necessary and lawful current governmental expenses of said county.

Section 2. The holders of the evidence of such indebtedness, if properly transferred, if not the owners thereof, that is not paid from the disbursement provided for in section one of this act, may present the same to said court, which may in term time audit the same as other claims are provided by law to be audited, and if adjudged legal and proper charges against said county, may direct the issuance of interest bearing warrants in lieu thereof or from the proceeds of which the same may be paid under directions of said court, and such evidence shall be surrendered to said court and thereon endorsed the settlement, adjustment and refunding, or either, thereof and filed among the vouchers of said court, all of which shall appear of record upon the minutes of said court, thereupon said interest-bearing warrants shall be issued and signed by the judge of probate of said county, to which shall be attached the probate court seal of said county, and countersigned by said treasury department, and by said treasury department duly registered, as provided by law, against the fund against which said



indebtedness is a charge, and paid accordingly, providing said warrants shall be entitled to the same priority and preference as to payment, as said indebtedness is entitled, respectively.

Section 3. Said court shall determine the principal, interest and maturity or maturities, of such warrant or warrants, providing the said maturity or maturities shall not be later than thirty years from date of issuance of the warrant or warrants and that the interest thereof shall not be for a greater rate per annum than six per cent, until paid, whether at or after maturity. Said interest shall be paid annually, and both the said principal and interest payable at the office of said treasury department. And provided further, that said warrants or any thereof, shall not be used and sold, or either, for less than the par value of the principal thereof.

Section 4. That should any portion of this act be declared invalid, the same shall not affect the remainder hereof, and that all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed, and to repeal or modify this act or any portion hereof, the same shall be done in the same manner as its passage, including publication notice thereof.

Deemed by the court of county commissioners of Henry county, Alabama, at its June term, 1919, as applicable to the entire said county.

H. W. Owens,  
Judge of Probate, as Chairman.

#### PROOF OF NOTICE AND PUBLICATION.

State of Alabama, }  
Henry County. }

Personally appeared before me, H. W. Owens, judge of probate in and for said county, H. H. Golson, who being duly sworn, deposes and says, that he is editor and publisher of The Abbeville Herald, a newspaper published in the town of Abbeville in said county, which has a general circulation in said county, in which newspaper was published for four consecutive weeks the foregoing and attached law, on dates, to-wit: June 12th, 19th and 26th, also July 3rd, 1919.

H. H. Golson,  
Editor and Publisher.

Sworn and subscribed to before me, this July 9, 1919.

H. W. Owens,  
Judge of Probate.

By Mr. Espy:

S. 300. To prescribe the maximum limit for the principal of unpaid outstanding indebtedness against Henry county, Alabama, not to exceed at any time.

Local Legislation.

(With notice and proof thereto attached and herewith exhibited as follows:)

#### NOTICE.

Is hereby given of application for passage by the Alabama Legislature when it reconvenes in regular session July 8th, 1919, of the following local act for Henry county, to-wit:

#### A BILL

To be entitled an act to prescribe the maximum limit for the principal of unpaid outstanding indebtedness against Henry county, Alabama, not to exceed at any time.

Be it enacted by the Legislature of Alabama:

Section 1. That the maximum amount or limit of outstanding unpaid principal of indebtedness against Henry county, Alabama, including present indebtedness and future indebtedness authorized by law, shall not at any time exceed three and one-half per cent of the assessed value of the property therein, which assessed value is hereby designated as one hundred per cent of the total value of said property for the purpose only of determining the limit of indebtedness which may be incurred against said county, the current assessment of said property shall be the means and basis upon which to determine said one hundred per cent.

Section 2. That all laws and parts of laws in conflict with the provisions of section one of this act, be and the same are hereby repealed, and ~~to repeal or modify any provisions of this act, by said Legislature, the same~~ shall be done in the same manner as its passage, including publication notice thereof.

Deemed by the court of county commissioners of Henry county, Alabama, at its June term, 1919, as applicable to entire said county.

H. W. Owens,  
Judge of Probate, as Chairman.

#### PROOF OF NOTICE OF PUBLICATION.

State of Alabama, }  
Henry County. }

Personally appeared before me, H. W. Owens, judge of probate in and for said county, H. H. Golson, who being duly sworn, deposes and says, that he is editor and publisher of The Abbeville Herald, a newspaper published in the town of Abbeville in said county, which has a general circulation in said county, in which newspaper was published for four consecutive weeks the foregoing and attached law, on dates, to-wit: June 12th, 19th and 26th, also July 3rd, 1919.

H. H. Golson,  
Editor and Publisher.

Sworn and subscribed to before me, this July 9th, 1919.

H. W. Owens,  
Judge of Probate.

By Mr. Briscoe:

S. 301. To authorize banks to accept drafts or bills of exchange drawn upon them under certain conditions and restrictions:

Banking and Insurance.

Also:

S. 302. To authorize solvent banks to voluntarily liquidate and to provide the method.

Banking and Insurance.

#### LEAVES OF ABSENCE.

On motion of Mr. Phillips, leave of absence was granted Mr. Cowan for today.

On motion of Mr. Espy, leave of absence was granted Mr. Griffith for today, Monday and Tuesday.

## PRIVILEGES OF THE FLOOR.

Were extended to Mr. C. E. Fuller, Mr. Collier, Mr. Ingram, Dr. O. C. Powers, Dr. Justice L. Cook, George Powell, Judge W. W. Brandon of Tuscaloosa, Judge Gilbreath of Marshall, for today.

## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bill, your signature thereto is requested:

H. 43. To regulate the sale and offering for sale of fertilizers and fertilizer materials; to require same to be plainly tagged and marked as to the chemical elements thereof and the source of the same, and to provide a penalty for the violation thereof.

Fred H. Gormley,  
Clerk.

## SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following bill:

H. 43. To regulate the sale and offering for sale of fertilizers and fertilizer materials, to require same to be plainly tagged and marked as to the chemical elements thereof and the source of the same, and to provide a penalty for the violation thereof.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted:

S. J. R. 79. Relative to the printing of 20,000 copies of the governor's message, and also:

S. J. R. 78. Relative to extending an invitation to Chaplain John W. Inzer to address the Legislature in joint session on Thursday, July 17th, at 12 o'clock.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Long of Sumter:

H. J. R. 83. Whereas, The rooster road committee of Demopolis, Alabama, has made elaborate preparations to bridge the Bigbee river with cocks and has arranged for a great sale of cocks at Demopolis on August 14th and 15th, which roosters have been received from all parts of the world; and,

Whereas, his excellency, the Hon. Woodrow Wilson, president of the United States, Premiers Lloyd-George, Clemenceau and Orlando have consigned cocks to the big Demopolis sale, President Wilson bringing with him four of these splendid birds on the steamship George Washington, especially for the big Demopolis cock sale; and,

Whereas, the Hon. W. S. Keller, State highway engineer, has endorsed the project of the construction of the bridge across the Bigbee river that closes the gap on the Dixie overland highway, and will be the only bridge from Tuscaloosa to the Gulf; and,

Whereas, the project has been approved by the Hon. F. J. Cramton, president of the Alabama road improvement association, and also by the officials of the Dixie overland highway association;

Now, therefore, be it resolved by the House, the Senate concurring, That we most cordially indorse the project and that the thanks of the members of the Legislature of Alabama be and the same are hereby extended to President Wilson, Premiers Lloyd-George, Clemenceau and Orlando for their kindness in securing the European cocks, and to the Hon. W. B. Oliver, who has labored untiringly to make the sale a success.

And sends same to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

H. J. R. 83, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

#### RESOLUTION.

Mr. Carmichael offered the following joint resolution:

S. J. R. 84. Resolved by the Senate, the House concurring, that when the Legislature adjourns today it be till Tuesday morning, July 15, 1919, at 11 o'clock A. M.

Which was read and referred to the Standing Committee on Rules.

## REPORT FROM RULES COMMITTEE.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered the same returned to the Senate with a favorable report, to-wit:

S. J. R. 83. Whereas, the Hon. Woodrow Wilson, President of the United States, will make a tour in behalf of the covenant of the league of nations,

Be it resolved by the Senate, the House concurring, that Mr. Wilson be requested to speak to a joint meeting of the Legislature of Alabama at a time and date to be set by him before the final adjournment of the Legislature.

Be it further resolved, that the President of the Senate and the Speaker of the House of Representatives shall notify Mr. Wilson of this invitation.

And said resolution was read a second time and placed on the calendar for a third reading on tomorrow.

## BILLS ON THIRD READING.

The bill:

S. 215. To secure to persons the right of way over lands of other persons.

Was read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs:

Baker	Craft	Harper	Rogers (Sumter)
Beale	Ellis	Moore	Smith (Coosa)
Bedsole	Espy	McDowell	Smith (Lawrence)
Briscoe	Evin	Phillips	Tally
Brown	Gunter	Rogers (Lauderdale)	West
Carlton			

—21

Nays:—None.

The bill:

S. 204. To regulate the admission of evidence in the trial of criminal cases.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs:

Baker	Craft	Huddleston	Rogers (Sumter)
Beale	Ellis	Moore	Smith (Coosa)
Bedsole	Espy	Morris	Smith (Lawrence)
Briscoe	Evin	McDowell	Tally
Brown	Gunter	Phillips	West
Carlton	Harper	Rogers (Lauderdale)	

—23

Nays:—None.

The bill:

S. 212. To declare the eleventh day of November in each and every year a memorial day for the Alabama soldiers who died in the recent war, and to make the day a legal holiday in Alabama.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs:

Baker	Carlton	Huddleston	Rogers (Sumter)
Beale	Craft	Moore	Smith (Coosa)
Bedsole	Ellis	Morris	Smith (Lawrence)
Briscoe	Evins	McDowell	Tally
Brown	Gunter	Rogers (Lauderdale)	West
Butler	Harper		

—22

Nays:—None.

The bill:

S. 158. To amend section 1 of an act entitled "An act to regulate the procedure in unlawful detainer suits brought by a landlord against his tenant in counties of less than 100,000 and more than 80,000 of population according to the last Federal census or any subsequent Federal census; to prescribe the clerk's and sheriff's fes in such suits; and to provide for and regulate appeals therein, including the bond to be given on appeal," approved September 18, 1915.

Was read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs:

Baker	Carmichael	Miller	Rogers (Lauderdale)
Bedsole	Craft	Moore	Rogers (Sumter)
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Smith (Lawrence)
Butler	Harper	Phillips	Tally
Carlton			

—21

Nays:—None.

#### REPORT FROM RULES COMMITTEE.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered the same returned to the Senate with a favorable report, to-wit:

S. J. R. 84. Resolved by the Senate, the House concurring, that when the Legislature adjourns today it be till Tuesday morning, July 15, 1919, at 11 o'clock A. M.

And on motion of Mr. Acker said report was concurred in and said resolution was, under a suspension of the rules, adopted by the Senate and ordered sent forthwith to the House without engrossment.

Also favorably:

H. J. R. 81. Endorsing the peace treaty and league of nations and urging the speedy adoption and ratification of same by the United States and all of the allied nations.

And on motion of Mr. Acker, said resolution was, under a suspension of the rules, adopted by the Senate.

#### LEAVE OF ABSENCE.

On motion of Mr. Acker, leave of absence was granted Mr. Sims for today.

#### BILLS ON THIRD READING RESUMED.

The bill:

S. 190. To submit to the qualified electors of the State, at the general election to be held in November, 1920, for their consideration an amendment to the Constitution for the purpose of authorizing the several counties of the State and the several road districts of any county which may now exist, or which may hereafter be created by the courts of county commissioners or boards of revenue of said counties, to levy and collect a special road and bridge tax not exceeding twenty-five cents on each one hundred dollars worth of taxable property in such counties and in the several districts of any county, under such regulations as the Legislature may have prescribed or may hereafter prescribe.

Was taken up.

Mr. Kelly offered the following substitute for said bill, to-wit:

#### A BILL

To be entitled an act to submit to the qualified electors of the State at the general election to be held in November, 1920, for their consideration, an amendment to the Constitution for the purpose of authorizing the several counties of the State to levy and collect a special road, bridge and ferry tax not exceeding twenty-five cents on each one hundred dollars worth of taxable property in such counties in addition to that now authorized or that may hereafter be authorized for the erection, construction or maintenance of the necessary public roads, bridges or ferries and in addition to that now authorized under section 215 of article XI of the Constitution and also for the purpose of authorizing the several road districts of any county which may now exist or

which may hereafter be created by the courts of county commissioners or boards of revenue, or like governing bodies, to levy and collect a special district tax, not exceeding twenty-five cents on each one hundred dollars worth of taxable property in such district for public roads, bridges and ferry purposes in addition to the special tax herein authorized for counties, under such regulations as the Legislature may have prescribed or may hereafter prescribe.

Be it enacted by the Legislature of Alabama:

1. That the following amendment to the Constitution of Alabama is proposed to be submitted to the qualified electors of the State for their ratification or rejection at the next general election to be held in November, 1920, at which general election the amendment is proposed, to-wit:

Section 1. The several counties in the State shall have power to levy and collect a special tax of twenty-five cents on each one hundred dollars worth of taxable property in such counties in addition to that now authorized or that may hereafter be authorized for the erection, construction, or maintenance of the necessary public roads, bridges or ferries, and in addition to that now authorized under section 215 of article XI of the Constitution, which special county tax so levied and collected shall be applied exclusively to the purpose for which the same was so levied and collected; provided, that the rate of such special county tax, the time it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of the county, and voted for by a majority of those voting at such election.

Section 2. The several road districts of any county in the State shall have power to levy and collect a special district tax not exceeding twenty-five cents on each one hundred dollars worth of taxable property in such district for public roads, bridges and ferry purposes; provided, that a road district under the meaning of this section shall include any road district now existing, or which may hereafter be formed or established by the courts of county commissioners or boards of revenue or other like governing bodies of the various counties of the State; provided further, that the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the district and voted for by a majority of those voting at such election; provided further, that no district tax shall be voted or collected except in such counties as are levying and collecting not less than a two and one-half mill special county road and bridge tax.

Section 3. The funds arising from the special county road and bridge tax levied and collected by any county shall be appor-



tioned and expended as the courts of county commissioners or boards of revenue or other like governing bodies of such counties may direct, and the funds arising from the special road and bridge tax levied in any district which votes the same independently of the county shall be expended for the exclusive benefit of the district as the courts of county commissioners or boards of revenue or other like governing bodies may direct.

Section 4. That upon written petition of twenty-five per centum of the qualified voters of any county of this State the court of county commissioners, boards of revenue or other like governing body of such county shall call and submit said election provided for and authorized by sections one and two hereof to the qualified electors of such county, either at the same time of the general election, or at a special election called for the purpose; provided, that said election shall be called and held in accordance with the law now or that may hereafter be enacted governing county bonds elections, and in conformity with the general election laws of the State.

2. That it shall be the duty of the governor to give notice by proclamation to be published in one newspaper in each county in the State at least eight successive weeks next preceding the said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their ratification or rejection.

3. That at the general election to be held as herein provided, the qualified electors shall vote upon said amendment, and on the official ballots printed for such election there shall be printed the following, namely: "Shall the following be adopted as article ..... of the Constitution of Alabama? Section 1. The several counties in the State shall have power to levy and collect a special tax of twenty-five cents on each one hundred dollars worth of taxable property in such counties in addition to that now authorized or that may hereafter be authorized for the erection, construction or maintenance of the necessary public roads, bridges or ferries, and in addition to that now authorized under section 215 of article XI of the Constitution, which special county tax so levied and collected shall be applied exclusively to the purpose for which the same was so levied and collected; provided that the rate of such special county tax, the time it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of the county, and voted for by a majority of those voting at such election. Section 2. The several road districts of any county in the State shall have power to levy and collect a special district tax not exceeding twenty-five cents on each one hundred dollars worth of taxable property in such district for

public roads, bridges and ferry purposes; provided, that a road district under the meaning of this section shall include any road district now existing, or which may hereafter be formed or established by the courts of county commissioners or boards of revenue or other like governing bodies of the various counties of the State; provided further, that the rate of such tax at the time it is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors of the district and voted for by a majority of those voting at such election; provided further, that no district tax shall be voted or collected except in ~~such counties as are levying and collecting not less than a two and one-half mills special county road and bridge tax.~~ Section 3. The funds arising from the special county road and bridge tax levied and collected by any county shall be apportioned and expended as the courts of county commissioners or boards of revenue or other like governing bodies of such counties may direct, and the funds arising from the special road and bridge tax levied in any district which votes the same independently of the county shall be expended for the exclusive benefit of the district as the courts of county commissioners or boards of revenue or other like governing bodies may direct. Section 4. That upon written petition of twenty-five per centum of the qualified voters of any county of this State the court of county commissioners, boards of revenue, or other like governing bodies of such county shall call and submit said election provided for and authorized by sections one and two hereof to the qualified electors of such county, either at the same time of the general election, or at a special election called for the purpose; provided, that said election shall be called and held in accordance with the law now or that may be hereafter enacted governing county bonds election, and in conformity with the general election laws of the State." "YES. NO." The choice of the elector shall be indicated by a cross mark by him, or under his direction opposite the word expressing his desire.

4. The officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as provided by the election law of the State for the appointment of officers to hold other general elections in the State, and the election shall be held in all respects in accordance with the law governing general elections with the same constitutional provisions concerning amendments to that instrument.

5. That the votes cast at said election shall be counted, canvassed, and the returns made thereof to the secretary of state in the same manner as in elections for representatives to the Legislature. The result of said election shall be made known by

proclamation of the governor, and if a majority of all the qualified electors who voted at said election upon the proposed amendment shall have voted "YES," said amendment from the date of said proclamation shall be valid to all intents and purposes as a part of the Constitution of Alabama and as an article thereof.

Which was adopted.

Yeas, 21; Nays, 1.

*Yeas:*

Messrs:

Baker	Carmichael	Huddleston	McDowell
Beale	Craft	Kelly	Rogers (Lauderdale)
Briscoe	Espy	Miller	Smith (Coosa)
Brown	Gunter	Moore	Smith (Lawrence)
Butler	Harper	Morris	Tally
Carlton			

—21

*Nays:*

Mr. Prestwood—1.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 21; Nays, 1.

*Yeas:*

Messrs:

Baker	Carmichael	Huddleston	McDowell
Beale	Craft	Kelly	Phillips
Briscoe	Espy	Miller	Smith (Coosa)
Brown	Gunter	Moore	Smith (Lawrence)
Butler	Harper	Morris	Tally
Carlton			

—21

*Nays:*

Mr. Prestwood—1.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended and as amended has adopted:

S. J. R. 84, relative to adjournment until Tuesday, July 15th.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. McDowell, the Senate concurred in the following amendment by the House to S. J. R. 84, the title of which is set out in the foregoing message from the House, to-wit:

Amend by striking out 11 o'clock A. M. Tuesday and inserting 2 o'clock P. M. Monday.

## ORDER TO PRINT.

On motion of Mr. Gunter, the Secretary was directed to have 500 copies of

S. 247. To establish a child welfare department for the State of Alabama; to prescribe its duties, functions and powers, to provide for the appointment of an executive and other officers of such department, to define their duties, to provide for their compensation, and to provide for the maintenance and other expenses of such department.

**Printed for the use of the members of the Senate and for distribution.**

## LEAVE OF ABSENCE.

On motion of Mr. McDowell, he was granted leave of absence for Monday.

## RECESS.

At 1 o'clock P. M., on motion of Mr. Prestwood, the Senate took a recess until 2 o'clock this afternoon.

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AFTERNOON SESSION.—FRIDAY, JULY 11th, 1919.

The Senate re-assembled at 2 o'clock P. M., Lieutenant Governor Miller presiding.

## ROLL CALL.

On a call of the roll 20 members answered to their names, a quorum of the Senate, as required by the Constitution.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Evins (by request):

S. 303. To amend section 3867 of the Code of Alabama.

Judiciary.

By Mr. Phillips:

S. 304. To amend section 2069 of the Code of Alabama.

Finance and Taxation.

## RESOLUTION.

Mr. Carmichael offered the following Senate joint resolution:

S. J. R. 85. Whereas, the Congress of the United States has submitted to the several states a proposed amendment to the Federal Constitution providing for woman suffrage, generally known as the Susan B. Anthony amendment; and,

Whereas, such amendment has been transmitted to the governor of Alabama, and is being held by him awaiting the pleasure of the Legislature as to the time when action shall be taken thereon; and,

Whereas, the Legislature desires to afford an opportunity to the women of the State, who wish to be heard on said amendment, to express their views in regard thereto,

Now, therefore, be it resolved by the Senate, the House concurring, that the governor be requested to transmit the said amendment to the Legislature, and that a joint meeting of the two houses be held in the hall of the House of Representatives at 10:00 A. M., on Wednesday, July 16, 1919, to hear the argument of any of the women of the State who desire to speak to such amendment.

Be it further resolved, That said amendment be and the same is hereby made a special, paramount and continuing order in both houses, at 12:00 o'clock, noon, on Thursday, July 17th, 1919.

And moved the suspension of the rules and the immediate consideration of said resolution, which motion prevailed and said resolution was, under a suspension of the rules, adopted, and ordered sent forthwith to the House without engrossment.

## REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills, beg leave to report that said committee, in session, have examined and compared the following engrossed bills with the originals and find same correctly engrossed, to-wit:

S. 129. To authorize the courts of county commissioners or boards of revenue of any county, in which the State or Federal authorities shall take or have taken up the work of farm demonstration or the organization of farm life clubs, to appropriate funds for aiding in such work.

S. 207. To prohibit the assessing or collecting of any privilege or license tax or fee, by municipalities, from persons for conducting or operating any business, trade or profession outside the corporate limits of such municipality.

R. B. Evans,  
Chairman Engrossed Bills.

## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House joint resolution, your signature thereto is requested:

H. J. R. 81. Endorsing the peace treaty and league of nations and urging the speedy adoption and ratification of same by the United States and all of the allied nations.

Fred H. Gormley,  
Clerk.

## SIGNING OF JOINT RESOLUTION.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following joint resolution:

H. J. R. 81. Endorsing the peace treaty and league of nations and urging the speedy adoption and ratification of same by the United States and all of the allied nations.

## MESSAGE FROM THE HOUSE.

Mr. President:

The President has concurred in the Senate joint resolution:

No. 85, relative to making the woman's suffrage amendment a special order for 12 o'clock noon Thursday, July 17th, 1919.

And returns same herewith to Senate.

Fred H. Gormley,  
Clerk.

## ADJOURNMENT.

At 3 o'clock P. M., on motion of Mr. Smith of Coosa, and pursuant to S. J. R. 84, heretofore adopted, the Senate adjourned until Monday, July 14th, 1919, at 2 o'clock P. M.

## TWENTY-FOURTH DAY.

Monday, July 14, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

## PRAYER.

By Rev. Beale of the Senate.

## ROLL CALL.

Present:

Mr. President and

Messrs:

Beale	Carmichael	Gunter	Rogers (Sumter)
Bedsole	Cowan	Harper	Sims
Briscoe	Craft	Kelly	Smith (Coosa)
Brown	Ellis	Morris	Smith (Lawrence)
Butler	Espy	Phillips	Tally
Carlton	Evins	Rogers (Lauderdale)	West

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## JOURNAL.

On motion of Mr. Phillips, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced. severally read one time and referred to appropriate standing committees, as follows:

By Mr. Rogers of Lauderdale:

S. 305. To prevent the unlawful search of the person, baggage and property of another, to prevent the use of evidence obtained by an unlawful search and to prescribe punishment for persons and officers violating the provisions of the act.

Judiciary.

By Mr. Brown (by request):

S. 306. To define optometry; to provide for the regulation of the practice thereof; to provide for the examination of applicants to practice optometry in Alabama; to provide for the issuing of licenses and certificates and the registration and display thereof; to provide for reports by probate judges of said registrations; to provide for the revoking or refusing to issue said licenses and certificates; to provide for a State board of optometry; to provide for the appointment of members thereof, and prescribe their duties, powers, qualifications, terms of office and compen-

sation; to provide for the disposition of fees collected by said board; to provide fees and funds for enforcing said act; to provide for enforcing said act; to allow the board to enter into reciprocity agreements with like boards of other states; to provide penalties and punishment for violations of the provisions of said act; and to repeal all general and local laws in conflict with said act.

Public Health.

By Mr. Tally:

S. 307. To designate a certain public road of the State of Alabama as a State trunk road and to provide the manner in which such road shall be located, improved and maintained and to make its establishment imperative.

Public Roads and Highways.

By Mr. Bedsole:

S. 308. To submit to the qualified electors of this State at a special election to be held at the call of the governor after ninety days from the final adjournment of this Legislature for their consideration an amendment to the Constitution for the purpose of authorizing counties to levy special taxes for the construction and maintenance of public roads and bridges; to fix the debt limit and tax limit of counties, to provide for validating the outstanding debt incurred by counties for the construction of highways, roads, bridges or other public improvements; to permit the same and all other outstanding interest bearing debt to be refunded into bonds and to provide for the payment of the same.

Constitution and Constitutional Revision and Amendments.

(The above bill was read at length as required by the Constitution.)

By Mr. Cowan:

S. 309. To provide for the establishment and maintenance of a home for mental inferiors in Alabama; to define who are mental inferiors; to provide for their care, treatment, and training and to appropriate the money necessary therefor from the State treasury.

Public Health.

By Mr. Gunter:

S. 310. To fix the salary of the judge of probate of Montgomery county, Alabama, and allowance for clerical help and other expenses in said office, and to provide for payment thereof.

Local Legislation.

(With notice and proof thereto attached and herewith exhibited as follows:)



## NOTICE.

Is hereby given that the following bill will be introduced in the Legislature of Alabama at its adjourned session, beginning July 8th, 1919, to-wit:

## A BILL

To be entitled an act to fix the salary of the judge of probate of Montgomery county, Alabama, and allowance for clerical help and other expenses in said office, and to provide for payment thereof.

Be it enacted by the Legislature of Alabama, That the salary of the judge of probate of Montgomery county shall be five thousand dollars per annum net, and an allowance of seventy-eight hundred dollars per annum for office help, as follows: One clerk at twenty-one hundred dollars per annum; one clerk at eighteen hundred dollars per annum; one clerk at fifteen hundred dollars per annum; one clerk at twelve hundred dollars per annum; and twelve hundred dollars per annum for all other expenses, including extra clerks and ex-officio services of the judge of probate. The said twelve hundred dollars to be paid to the judge of probate in monthly installments and disbursed by him.

All of said amounts to be paid out of the general funds of the county in monthly installments.

Section 2. That this act shall go into effect immediately upon its passage and approval.

Section 3. That all laws and parts of laws, general or special, in conflict with the provisions of this act be, and the same are hereby, repealed.

Montgomery, Alabama, July 9, 1919.

State of Alabama, }  
County of Montgomery. }

Personally appeared before me, William Berridge, a notary public in and for said State and county, C. E. Glantz, who, being duly sworn deposes and says that he is bookkeeper of the Montgomery Times, a newspaper published in Montgomery, in said State and county, and that the notice (a true copy of which is hereto attached), was published in said paper for three consecutive weeks (one insertion each week), commencing on the 25th day of June, 1919.

Given under my hand this 9th day of July, 1919.

Wm. Berridge,  
Notary Public, Montgomery County, Alabama.

By Mr. Craft:

S. 311. To provide ways and means for the State highway department of Alabama to accept automobile trucks, road equipment and road materials from the United States government, and to pay freight, loading, unloading, moving, housing and such other expenses as may be necessary in receiving and caring for such equipment and materials, and to appropriate \$40,000.00 out of any funds in the State treasury not otherwise appropriated, or so much thereof as may be necessary to defray such expenses, such funds to be returned by the State highway department to the State treasury out of any funds that may accrue to said State highway department out of any appropriation or laws raising

revenue for the use and benefit of said department for the construction and maintenance of State highways.

Finance and Taxation.

By Mr. Craft:

S. 312. To require the city of Mobile to pay one-half of the annual expenses of the juvenile court of Mobile county and of the detention homes for delinquent juveniles of Mobile county, including the salary of the judge of said court, the salaries of the probation officer, the salaries of the superintendent, matron and other employees necessary for the care of the detention home for juvenile delinquents of Mobile county and the expense of providing and maintaining of detention homes for juvenile delinquents of Mobile county and the expense incident to the up-keep of humane officer's automobile.

Local Legislation.

(With notice and proof thereto attached and herewith exhibited as follows:)

#### NOTICE.

Notice is hereby given that at the present session of the Legislature of Alabama, substantially the following act will be introduced for passage, to-wit: A bill to be entitled:

#### AN ACT

To require the city of Mobile to pay one-half of the annual expense of the juvenile court of Mobile county and of the detention homes for delinquent juveniles of Mobile county, including the salary of the judge of said court, the salaries of the superintendent and matron and other employees necessary for the care of the detention homes for juvenile delinquents of Mobile county and the expense of providing and maintaining of detention homes for juvenile delinquents of Mobile county.

Be it enacted by the Legislature of Alabama:

Section 1. That the board of revenue and road commissioners of Mobile county shall cause to be kept an accurate and true account of the amounts annually expended (beginning from the date of the passage and approval of this act) by the county of Mobile in the payment of the salary of the judge of the juvenile court of Mobile county, the salary or salaries of the probation officer or officers of said court, the salaries of the superintendent, matron and assistants of the detention home for juvenile delinquents of Mobile county and the expenses of providing and maintaining detention homes for juvenile delinquents of Mobile county. And it shall be the duty of the city of Mobile, after an examination of said account, which must be made within thirty days after same is presented to the board of city commissioners of Mobile city, or other governing officers of the said city of Mobile, to pay one-half of said account to the city of Mobile.

Section 2. That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Section 3. That this act shall take effect and be in force on and after its approval.

State of Alabama, }  
Mobile County. }

Before me, Inez Kramer, a notary public in and for said State and county, personally appeared R. G. Rapier, who being by me first duly sworn,

deposes and says: I am the secretary-treasurer of the Mobile Register, a newspaper published daily in the city of Mobile, State of Alabama; further, that the attached notice was published in the said Mobile Register for four consecutive weeks, viz: May 31st, June 7th, June 14th and June 21st, all of the year 1919.

R. G. Rapeir.

Subscribed and sworn to before me this 3rd day of July, 1919.

Inez Kramer,

(Seal.)

Notary Public, Mobile County, Alabama.

By Mr. Craft:

S. 313. To amend section 1 of an act entitled, "An act creating and establishing the juvenile court of Mobile county, and defining its powers and jurisdiction; providing for the process and procedure of said court; for the equipment of said court; for officers of said court and their salaries and defining their powers and providing a commission to aid in carrying out the work of the court and prescribing its duties."

Local Legislation.

(With notice and proof attached and herewith exhibited as follows:)

State of Alabama, }  
Mobile County. }

Personally appeared before me, Marie Holmes, a notary public in and for said State and county, William M. Fincher, who after being by me first duly sworn, doth depose and say that he is auditor of The Mobile Register, a newspaper published in the city and county of Mobile, in the State of Alabama, and was acting as such on the 1st, 7th, 14th and 21st days of January, 1919; that the advertised notice reading in words and figures as follows:

#### NOTICE.

Notice is hereby given that a bill will be introduced at the next session of the Legislature of Alabama to amend section 1 of "An act creating and establishing the juvenile court of Mobile county, and defining its powers and jurisdiction, providing for the process and procedure of said court; for the equipment of said court; for officers of said court and their salaries and defining their and providing a commission to aid in carrying out the work of the court and prescribing its duties," as approved March 29th, 1915. Said proposed amendment shall be in substance an amendment changing the salary of the judge of said court from the sum of fifty dollars a month to the sum of one hundred dollars per month and said proposed amendment is to be made effective from and after the first day of July, 1919.

Alex B. Howard,

Judge Juvenile Court.

appeared in the said Mobile Register in its issue of January 1st, 1919, January 8th, 1919, January 15th, 1919, and January 21st, 1919.

W. M. Fincher,

Auditor of The Mobile Register.

Subscribed and sworn to before me on this the 10th day of July, A. D., 1919.

Marie Holmes,

(Seal.)

Notary Public, Mobile County, Alabama.

Also:

S. 314. To provide for instruction in regard to the humane protection of animals in the public schools.

Education.

#### REPORTS OF COMMITTEES.

Mr. Bedsole, chairman of the Standing Committee on Temperance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with **a favorable report**, and it was read a second time and placed on the calendar, to-wit:

H. 182. To prohibit the keeping, exhibiting or operating of pool or billiard tables, on which the public can play, outside incorporated cities and towns having a police force.

#### LEAVES OF ABSENCE.

On motion of Mr. Tally, leave of absence for today was granted Mr. Baker.

On motion of Mr. Tally, indefinite leave of absence was granted Mr. Nance on account of illness.

On motion of Mr. Phillips, leave of absence was granted Mr. Acker for today.

#### REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills beg leave to report that said committee, in session, have examined and compared the following engrossed bills with the originals and find same correctly engrossed, to-wit:

S. 158. To amend section 1 of an act entitled "An act to regulate the procedure in unlawful detainer suits brought by a landlord against his tenant in counties of less than 100,000 and more than 80,000 of population according to the last Federal census or any subsequent Federal census; to prescribe the clerk's and sheriff's fees in such suits; and to provide for and regulate appeals therein, including the bond to be given on appeal," approved September 18, 1915.

S. 190. To submit to the qualified electors of the State at the general election to be held in November, 1920, for their consideration, an amendment to the Constitution for the purpose of authorizing the several counties of the State to levy and collect a special road, bridge and ferry tax not exceeding twenty-five cents on each one hundred dollars worth of taxable property in such

counties in addition to that now authorized or that may hereafter be authorized for the erection, construction or maintenance of the necessary public roads, bridges or ferries and in addition to that now authorized under section 215 of article XI of the Constitution, and also for the purpose of authorizing the several road districts of any county which may now exist or which may hereafter be created by the courts of county commissioners or boards of revenue, or like governing bodies, to levy and collect a special district tax, not exceeding twenty-five cents on each one hundred dollars worth of taxable property in such district for public roads, bridges and ferry purposes in addition to the special tax herein authorized for counties, under such regulations as the Legislature may have prescribed or may hereafter prescribe.

S. 204. To regulate the admission of evidence in the trial of criminal cases.

S. 212. To declare the eleventh day of November in each and every year a memorial day for the Alabama soldiers who died in the recent war, and to make the day a legal holiday in Alabama.

S. 215. To secure to persons the right of way over lands of other persons.

R. B. Evins,  
E. C. T.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 33. To amend section 3310 of the Code of Alabama of 1907.

Also:

H. 52. To amend sections 1392, 1393 and 1394 of the Code of 1907.

Also:

H. 169. To abolish the jury commissions in the various counties of this State, and to require the board of revenue or court of county commissioners of the several counties of this State to discharge the duties now imposed by law upon the jury commission.

Also:

H. 264. To provide for the reversion of the title to lands donated to the State as a site for rural schools, when such schools are permanently abandoned.

Also:

H. 267. To fix the license tax to be paid by emigrant or labor agents and to regulate their business.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

- H. 33. To the Committee on Revision of Laws.
- H. 52 and 169. To the Committee on Judiciary.
- H. 264. To the Committee on Education.
- H. 267. To the Committee on Finance and Taxation.

## RESOLUTIONS.

Mr. Bedsole offered the following Senate joint resolution:

S. J. R. 86. Whereas, the Congress of the United States has submitted to the several states a proposed amendment to the Federal Constitution relating to suffrage; and,

Whereas, in view of the fact that the President of the United States, a majority of each party in each branch of Congress, and other political organizations in the Union are actively and vigorously urging its adoption; and

Whereas, in view of the further fact that this amendment has already been ratified by the legislatures of states that contain a majority of the population of the country, and there is now a strong possibility regardless of our personal and political desires, that before another general election is held in Alabama, this amendment will be the supreme law of the land; and

Whereas, it is the paramount duty of each and every member of this Legislature, irrespective of his position or personal views regarding this probable consequence, to make timely provision protecting our domestic situation and local conditions; and

Whereas, it is known of all that this Legislature, by legislation to be contingent and effective upon this eventuality and only thereupon, can provide measures that will conform our election machinery to the requirements of this amendment, and at the same time fully safeguard and protect our domestic and local interests; and

Whereas, if the amendment is ratified by thirty-six states, it will necessitate the calling of the Legislature of Alabama into extraordinary session in order to perfect our election machinery so as to give women the right to vote, thereby entailing a tremendous expense upon the people of Alabama;

Therefore, be it resolved by the Senate, the House concurring, that a joint committee of three from the Senate, to be appointed by the lieutenant governor, and five from the House, to be appointed by the Speaker, is hereby created to prepare and submit to the respective houses of this Legislature, not later

than the thirty-fifth legislative day, such suffrage measures as will meet the needs of our citizenship and will conform to the laws of Alabama in the event the amendment is ratified by a majority of the states.

Which was read and referred to the Standing Committee on Rules.

Mr. Briscoe offered the following joint resolution:

S. J. R. 87. Whereas, the first white house of the Confederate States of America, a landmark in Montgomery, sacred to the heart of every Southerner, is threatened with impending destruction; and,

Whereas, the Budget Committee, sitting during the recess, agreed to incorporate in the general appropriation bill the sum of \$5,000 to be used for the purpose of saving from obliteration this land-mark:

Therefore, be it resolved by the Senate, the House concurring, that a committee be raised, consisting of three members on the part of the House and two on the part of the Senate, to be appointed by the respective presiding officers, which committee shall call on the party or parties, about to destroy the white house of the Confederacy and urge them to delay its obliteration until the Legislature of Alabama shall have had an opportunity to make an appropriation for its permanent preservation.

Which was, under a suspension of the rules, unanimously adopted and ordered sent forthwith to the House without engrossment.

Mr. Briscoe also offered the following Senate resolution:

S. R. 88. Resolved by the Senate, that the governor is hereby requested to return to the Senate Senate bill No. 94.

Which was, under a suspension of the rules, unanimously adopted by the Senate.

Mr. Morris offered the following Senate joint resolution:

S. J. R. 89. Whereas, throughout the country there have been numerous disorders and disturbances of the public peace, largely brought about by that element of our population represented by foreign immigration; and,

Whereas, there appears to be a manifest purpose and intent on the part of many of the leaders of this class of people to continue such disturbances as is evidenced from their public appeals and teachings; and

Whereas, such conduct is calculated to prevent the assimilation of this portion of our population, thus preventing that homogeneous type of citizenship which has given character and dignity to the name of America; and

Whereas, it is undesirable that there should be any additions to such population groups through further immigration to this country of undesirable characters, and of men and women either untrained in citizenship or unwilling to embrace the principles and practices of the American ideal in government and society; and

Whereas, the restriction of further immigration is the only method of reducing the possibility of the recurrence of the disorders and disturbances above recited, and

Whereas, it is one of the fundamental principles of government that the basic principles whereon it is founded should be safeguarded from hazard by false and unsafe teachings, similar to those promoted by the leaders of the anarchists, the Bolsheviki and the I. W. W.;

Now, therefore, be it resolved by the Senate of Alabama, the House of Representatives concurring:

1. That the Congress of the United States be memorialized hereby to pass all necessary laws for the deportation of any undesirable aliens, and to further restrict the coming into the ports of the United States of undesirable people from foreign countries.

2. That copies of this resolution be forwarded to the President of the United States, the presiding officers of the Senate and of the House of Representatives of the United States and to the Senators and Representatives in Congress from the State of Alabama.

Which was read and referred to the Standing Committee on Immigration and Industrial resources.

Mr. Carmichael offered the following joint resolution:

S. J. R. 90. Resolved by the Senate, the House concurring, that when both houses adjourn today, it be till 10 o'clock A. M., Wednesday.

Which was, under a suspension of the rules, adopted and ordered sent forthwith to the House without engrossment.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Murphree:

H. J. R. 87. Be it resolved by the House of Representatives, the Senate concurring, that the joint session of the Senate and House set for Wednesday, July 16th, for hearing discussions of the suffrage amendment be limited to one o'clock P. M., that day,



at which time if not previously ajourned the joint session shall stand adjourned for the day.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Carmichael, H. J. R. 87, set out in the foregoing message from the House, was, under a suspension of the rules, unanimously adopted by the Senate.

#### BILLS ON THIRD READING.

The bill:

S. 188. To provide for the dissolution of municipal corporations having population of less than 500 inhabitants.

Was read a third time at length and passed.

Yeas, 20; Nays, 0.

Yeas:

Messrs:

Beale	Cowan	Gunter	Rogers (Sumter)
Bedsole	Craft	Harper	Sims
Briscoe	Ellis	Kelly	Smith (Lawrence)
Brown	Espy	Phillips	Tally
Carlton	Evins	Rogers (Lauderdale)	West

—20

Nays:—None.

The bill:

S. 159. To provide and prescribe an additional mode of service in all proceedings in the courts of this State upon non residents of this State, and upon residents of this State, who have been absent from the State for at least six months prior to the institution of such proceedings, and upon any and all residents of this State, who conceal themselves so that process can not be served upon them; and to declare the force and effect of such service; and to prescribe the time within which such orders, judgments and decrees rendered in such proceedings upon such service shall become final.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

Yeas:

Messrs:

Beale	Craft	Harper	Sims
Bedsole	Ellis	Phillips	Smith (Lawrence)
Brown	Espy	Rogers (Lauderdale)	Tally
Butler	Evins	Rogers (Sumter)	West
Carlton	Gunter		

—18

Nays:—None.

## ADOPTION OF RESOLUTION.

The resolution:

S. J. R. 83. Relative to inviting Mr. Wilson to speak to a joint meeting of the Legislature of Alabama on his tour in behalf of the covenant of the league of nations.

Was read a third time at length and adopted, and ordered sent forthwith to the House without engrossment.

Yeas, 20; Nays, 0.

*Yeas:*

**Messrs:**

Bedsole	Carmichael	Harper	Rogers (Sumter)
Briscoe	Cowan	Kelly	Sims
Brown	Craft	Morris	Smith (Lawrence)
Butler	Ellis	Phillips	Tally
Carlton	Espy	Rogers (Lauderdale)	West

—20

*Nays:*—None.

## LEAVE OF ABSENCE.

Mr. Phillips requests leave of absence for all members of the Senate who are absent today, which motion prevailed and leave of absence was granted to all Senators who are absent today.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate joint resolution No. 90, relative to adjournment until Wednesday at 10 o'clock A. M.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

Mr. President:

The House has concurred in the Senate joint resolution No. 87, relative to the appointment of a committee from both houses to wait upon the person who is about to have destroyed the first white house of the Confederacy until the Legislature can make an appropriation for its permanent preservation.

And the Speaker has named on part of the House Messrs. Murphree, Sparks and Trammell, and returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## ADJOURNMENT.

At 3:25 o'clock P. M., on motion of Mr. Phillips and pursuant to S. J. R. 90, heretofore adopted, the Senate adjourned until Wednesday, July 16th, 1919, at 10 o'clock A. M.

## TWENTY-FIFTH DAY.

Wednesday, July 16th, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

## PRAYER.

By Rev. Dr. Briscoe of the Senate.

## ROLL CALL.

## Present:

Mr. President and

Messrs:

Acker	Cowan	Huddleston	Prestwood
Baker	Craft	Kelly	Rogers (Lauderdale)
Beale	Ellis	Leith	Rogers (Sumter)
Bedsole	Espy	Miller	Sims
Briscoe	Evins	Moore	Smith (Coosa)
Brown	Griffith	Morris	Smith (Lawrence)
Butler	Gunter	McDowell	Tally
Carlton	Harper	Phillips	West
Carmichael			

—33

## JOINT MEETING FOR HEARING DISCUSSION ON SUFFRAGE AMENDMENT.

The hour of 10 o'clock having arrived, when, in pursuance of Senate joint resolution number 85, heretofore adopted, the Senate should convene with the House of Representatives in joint meeting in the hall of the House of Representatives for the purpose of hearing the argument of any of the women of the State who desire to speak to the suffrage amendment to the Constitution of the United States, the Senate met with the House in the hall of the House of Representatives, Lieutenant Governor Miller presiding on the part of the Senate, and Speaker Merritt on the part of the House.

The following memorial offered by the ladies opposed to the ratification of the Susan B. Anthony amendment was read by Senator Evins, to-wit:

*Gentlemen of the Legislature of Alabama:*

Permit us, if you please, as the representatives of the wishes and views of more than eighty percent. of the white women of Alabama, to express to you our thanks for the opportunity which you have so courteously offered to us to appear before you in this joint session in opposition to the ratification by you of the proposed Woman Suffrage Amendment to the Constitution of the United States.

We do not avail ourselves of the opportunity thus offered because, in the first place, we feel that when that unhappy time has come when the women of Alabama have to plead with the men of Alabama not to thrust them against their wills into the conflicts, the dissensions and the coarsening atmosphere of politics, the men of Alabama will have become so changed from that splendid race to whom we have so long looked to stand between us and the rough things of life, that our wishes and our welfare will have become things to which they are indifferent; and, in the second place, to appear before you to argue a political question in which the discussion may become acrimonious, would be to do the very thing which, in opposing this amendment, we seek to avoid having thrust upon us. Moreover, it would be personally embarrassing to us, in a high degree, to assume the unfamiliar and distasteful role of political gladiators.

We are not politicians nor political debaters, and we seek no laurels upon the hustings nor upon the floor of this House. We are home keepers and the mothers of children, and we seek to discharge our duty to our country and to the cause of civilization and right living, not by voting and holding office, but by making homes in which love and peace and happiness dwell, and by instilling into our children love of their country and devotion to high ideals. We seek to remain such and we look with confidence to you, in whom the high traditions of the South still live, to protect us from this device of Northern Abolitionists, which, if adopted, will, it seems to us, be not only debasing in its effect upon the womanly character, not only productive of discord in the sweet harmony of the family circle, but will also inevitably result in striking down those barriers which you and your fathers have raised between Anglo-Saxon civilization and those who would mongrelize and corrupt it.

We oppose the adoption of this amendment because the vast majority of the white women of Alabama do not want it; we oppose it because we believe that women can exercise a better and greater influence upon the race, and contribute more fully to its development and its progress by remaining supreme in their own peculiar sphere than they can by invading yours; because we believe that to adopt it will nullify the work of those wise and patriotic men who have purified the ballot box from the contamination of negro votes, or from the fraud necessary to keep them out; because we believe in you and trust you, and know that in the laws which you make, and in your administration of the public affairs, we will find a solicitude for our rights and our happiness which we ourselves could not exceed.

We revere the traditions of the South and of the Democratic party, and the fundamental principal of both has been, and still is, local self-government. To that principle both have been true through many weary years of discouragement and defeat. The unterrified Democracy came again to power because it stood, in the face of all discouragements, for the principles in which it believed. How strange then it is that some of those who are high in its councils, who are in honor bound by its platform which still declares against this amendment, presume to urge upon you to abandon principle for expediency. When they do so, they ask you to cease to be Democrats because the existing pronouncement of the supreme authority of the party condemns this amendment. We, your countrywomen, bone of your bone and blood of your blood, say to you that such an appeal is discreditable to him who makes it, and seeks to dishonor him to whom it is made. We who know you would feel ashamed to ask you to stand immovable for principle. We know you will do that, but we do ask you to make such a reply by your vote to that appeal which assumes you to be time-serving weaklings, that no other man or high official will assume again to hold you in such contempt.

Gentlemen, our welfare is in your hands. You may, if you will, thrust us from the quietude of our homes into the contaminating atmosphere of political struggle, but we feel the strong assurance that in your protecting care, our institutions and our sheltering laws are safe; and that you, on our behalf as well as your own, will decline to surrender our great State's control of her own electorate into hands that may be regardless of our welfare, our happiness, our safety and our great traditions.

Respectfully,

Woman's Anti-Ratification Executive Committee; Executive Committee, Mrs. James S. Pinckard, Chairman; Mrs. Charles Henderson, Vice-Chairman; Mrs. W. T. Sheehan, Secretary; Mrs. Marie Bankhead Owen; Mrs. Chas. A. Thigpen; Mrs. Halls Janney; Mrs. Jack Thorington; Mrs. J. G. Winter; Mrs. Ormond Somerville; Mrs. W. J. Hannah; Mrs. Clayton T. Tullis; Miss Mae Harris; Mrs. J. Winter Thorington; Mrs. E. Perry Thomas; Mrs. Wm. E. Ellsberry; Mrs. J. H. Naftel; Mrs. W. B. Kelly.

At 12:30 o'clock P. M., at the conclusion of the reading of said memorial, the joint session was dissolved and the Senate repaired to the Senate chamber, being called to order by Lieutenant Governor Miller.

#### RECESS.

On motion of Mr. Craft, the Senate at 12:40 o'clock P. M., took a recess until 2:30 o'clock this afternoon.

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#### AFTERNOON SESSION.—TWENTY-FIFTH DAY.

Wednesday, July 16th, 1919.

The Senate re-assembled at 2:30 o'clock P. M., Lieutenant Governor Miller presiding.

#### ROLL CALL.

On a call of the roll 30 Senators answered to their names, a quorum of the Senate.

#### JOURNAL.

On motion of Mr. West, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

#### INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Griffith:

S. 315. To fix and provide for the payment out of the county treasury the salary of the deputy solicitor for Cullman county, Alabama, and to repeal all laws and parts of laws in conflict herewith.

Local Legislation.

(With notice and proof attached and herewith exhibited as follows:)

#### NOTICE OF INTENTION

To apply to the July session, 1919, of the Legislature of Alabama, for the following local law for Cullman county, Alabama.

#### AN ACT

To fix and provide for the payment out of the county treasury the salary of the deputy solicitor for Cullman county, Alabama, and to repeal all laws and parts of laws in conflict herewith.

Be it enacted by the Legislature of Alabama:

Section 1. That from and after the passage of this act, there shall be paid out of the county treasury of Cullman county, Alabama, to the deputy solicitor of said county, an annual salary, in equal monthly installments, twelve hundred dollars. Said salary to be in lieu of all fees or salary provided for deputy solicitors in the Acts 1915, page 820, approved September 25, 1915.

Section 2. The payment of said salary to be by warrant of the probate judge of said county, drawn on the treasurer of said county, on the first day of each month, payable to the deputy solicitor of said county for his salary.

Section 3. All laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed (as to Cullman county, Alabama).

This act to become effective immediately after its passage and approval.

The State of Alabama, }  
Cullman County. }

Before me, W. O. Hill, N. P. and Ex-Offi. J. P. in and for said county and State, personally appeared J. C. Norwood, publisher of the Cullman Tribune, a weekly newspaper published in Cullman, Cullman county, Alabama, and being duly sworn, says the notice of which the attached is a true copy, was published in said newspaper, once a week for (4) four successive weeks and being in the issues of said newspaper of the following dates, viz., June 19th and 26th, 1919, and July 3rd and 10th, 1919.

J. C. Norwood,  
Publisher.

Sworn to and subscribed before me this the 14th day of July, 1919.

W. O. Hill,  
N. P. and Ex-Off. J. P.

By Mr. Acker:

S. 316. To declare the force and effect of judgments and decrees of courts of record, insofar as they relate to matters of special or limited jurisdiction.

Judiciary.

Also:

S. 317. To amend section 5757 of the Code of 1907.

Judiciary.

Also:

S. 318. To authorize and require courts of this State to take judicial notice of laws of sister states in all cases in which such laws are material or relevant to a decision in any case or proceeding pending in the courts of this State.

Judiciary.

By Mr. Huddleston:

S. 319. To amend section 153 of the Code of 1907.

Finance and Taxation.

By Mr. Bedsole:

S. 320. To designate the persons who are authorized to purchase, have shipped from outside of the State, receive, accept delivery of, possess and use wines for sacramental or religious purposes; and to prescribe the procedure for procuring and having the same shipped from outside of the State.

Temperance.

Also:

S. 321. To amend section 13 of an act entitled "An act to further suppress the evils of intemperance; to restrict the receipt, possession and delivery of spirituous, vinous, malted, fermented or other intoxicating or prohibited liquors and beverages and fixing punishment and penalties," approved January 25, 1919."

Temperance.

By Mr. Kelly:

S. 322. To appropriate the sum of four hundred and twenty-five dollars for the relief of the Rev. J. E. Deer of Escambia county, Alabama, for services rendered as chaplain at State convict camps.

Finance and Taxation.

By Mr. Miller:

S. 323. To ratify, confirm and validate the issuance of road improvement warrant No. 256 for work on the Peach Tree road by the court of county commissioners of Wilcox county, Alabama; and to ratify, confirm and validate all orders, decrees and contracts by said court of county commissioners necessary to authorize the legal issue of said warrant, and to authorize the treasurer of said Wilcox county, Alabama, to pay the interest on said warrant according to its terms as same matures; and to authorize the treasurer of said Wilcox county to pay the principal on said warrant when same matures according to its terms.

Revision of Laws.

(With notice and proof attached and herewith exhibited as follows:)

## NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama at the session of 1919 for the passage of an act in substance as follows:

## AN ACT

To ratify, confirm and validate the issuance of road improvement warrant No. 256 for work on the Peach Tree road, by the court of county commissioners of Wilcox county, Alabama; and to ratify, confirm and validate all orders, decrees and contracts by said court of county commissioners necessary to authorize the legal issue of said warrant; and to ~~authorize the treasurer~~ of Wilcox county, Alabama, to pay the interest on said warrant according to its terms ~~as same matures~~; and to authorize the treasurer of said Wilcox county to pay the principal on said warrant when same matures according to its terms.

Be it enacted by the Legislature of Alabama:

Sec. 1. That the issuance of road improvement warrant No. 256 for work on the Peach Tree road by the court of county commissioners of Wilcox county, Alabama, be, and the same is hereby ratified and in all things validated and confirmed.

Sec. 2. That all orders, decrees and contracts by the said court of county commissioners of Wilcox county, Alabama, necessary to authorize the legal issue of said warrant be, and the same are hereby ratified, confirmed and validated.

Sec. 3. That the treasurer of Wilcox county, Alabama, is hereby authorized to pay the interest on said warrant according to its terms as said interest matures.

Sec. 4. That the treasurer of Wilcox county, Alabama, is hereby authorized to pay the principal on said warrant when same matures according to its terms.

## PROOF OF PUBLICATION.

The State of Alabama, }  
Wilcox County. }

Personally came before me, E. W. Berry, a notary public in said county and State, S. C. Godbold, who being by me first duly sworn, states on oath that he is publisher of Wilcox Progressive Era, a newspaper published in Camden, in said County and State, and that the publication of the notice, a copy of which is hereto attached, has been in said paper ..... times as follows: No. 3 on the 16th day of January, 1919; No. 6 on the 6th day of February, 1919.

S. C. Godbold.

Sworn to and subscribed before me, this 14th day of July, 1919.

E. W. Berry, N. P.

By Mr. Miller:

S. 324. To repeal section seven of an act, Acts 1892-93, to regulate the fine and forfeiture fund of Wilcox county, and the payment of claims against said fund, and to provide funds for the payment of said claims.

Local Legislation.

(With notice and proof attached and herewith exhibited as follows:)



## NOTICE OF LOCAL LAW.

Notice is hereby given that at the July session of the Legislature a bill will be introduced, the substance of which is as follows:

## A BILL.

To be entitled an act to repeal section seven of an act, Acts 1892-93, to regulate the fine and forfeiture fund of Wilcox county, and the payment of claims against said fund, and to provide funds for the payment of said claims.

Sec. 1. Be it enacted by the Legislature of Alabama, That section seven of an act "To regulate the fine and forfeiture fund, and to provide funds for the payment of said claims," which said section seven reads as follows: "That the fees of the circuit clerk and the sheriff of said county, in cases where the State failed to convict, or where a nolle prosequi is entered, or where an indictment is withdrawn and filed, shall be fifty (50) per centum of the fees allowed by law," approved December 12, 1892, be and is hereby repealed.

## PROOF OF PUBLICATION.

Personally came before me, S. M. Cobb, circuit clerk in said county and State, S. C. Godbold, who being by me first duly sworn, states on oath that he is a publisher of Wilcox Progressive Era, a newspaper published in Camden, in said county and State, and that the publication of the notice, a copy of which is hereto attached, has been in said paper four times as follows: No. 23 on the 5th day of June, 1919; No. 27 on the 3rd day of July, 1919.

Sworn to and subscribed before me, this the 5th day of July, 1919.

S. M. Cobb,  
Circuit Clerk.

By Mr. Carmichael (by request):

S. 325. To prevent the sale and distribution of disease carrying and filthy butter in this State; to provide for the packing and labeling of butter and the character of same; to provide for the licensing, persons, firms and corporations engaged in the sale and distribution of butter; and to provide for the use and distribution of the funds arising therefrom. To authorize the commissioner of agriculture and industries to enforce the provisions of this act and to make such rules and regulations as may be necessary for its proper enforcement; to fix rules of evidence; and to provide for the punishment of persons, firms or corporations violating the provisions of this act and any regulations made pursuant thereto.

Public Health.

By Mr. Craft:

S. 326. To authorize counties benefited thereby to join in the expense of building, operating and maintaining a bridge or bridges, highway or highways even though only a part or no part of such bridge or bridges, highway or highways may be located in such counties.

Public Roads and Highways.

By Mr. Smith (of Coosa):

S. 327. To dissolve the municipal corporation of the city or town of Fruithurst, Cleburne county, Alabama.

Municipalities and Municipal Organizations.

(With notice and proof thereto attached and herewith exhibited as follows:)

#### NOTICE.

Notice is hereby given that at the July session of the Legislature of Alabama, a bill will be introduced, the title of which is as follows:

A bill to be entitled an act to dissolve the municipal corporation of the city or town of Fruithurst, Cleburne county, Alabama.

A copy of which is as follows:

Whereas, a majority of the property owners and heads of families residing within the corporate limits of the city or town of Fruithurst, Cleburne county, Alabama, have petitioned the Legislature of Alabama to annul the charter of said city or town:

Be it enacted by the Legislature of Alabama:

Section 1. That the municipal corporation heretofore formed, known and styled as the city or town of Fruithurst, located in the county of Cleburne, State of Alabama, be, and the same is hereby dissolved; and that the officers elected by the municipality and the offices therein created be, and the same are hereby abolished.

E. J. Hizer.

State of Alabama, }  
Cleburne County. }

Before me, the undersigned officer in and for said county and State, personally appeared C. F. Dodson, who being by me duly sworn, says: That he is editor of the Cleburne News; that said Cleburne News is a newspaper published in the town of Heflin in Cleburne county; that the notice, copy of which is hereto attached, was inserted, published and appeared in said paper for four consecutive weeks, viz: May 15th, May 22nd, May 29th and June 5th, 1919, without cost to the State of Alabama.

C. F. Dodson.

Sworn and subscribed to before me this 7th day of July, 1919.

L. D. Reid,  
Notary Public.

By Mr. Smith (of Lawrence):

S. 328. To regulate the trials of misdemeanors in Lawrence county.

Revision of Laws.

(With notice and proof thereto attached and herewith exhibited as follows:)

#### NOTICE OF LOCAL LAW.

Notice is hereby given of the intention to apply to the Legislature of Alabama for the passage of a local law for Lawrence county, in substance as follows:

To regulate the institution and trial of misdemeanors in Lawrence county and providing that the county court of Lawrence shall have concurrent jurisdiction with the circuit court for the trial of misdemeanors; providing for the transfer of misdemeanors from the circuit to the county court

and the docketing and procedure of all causes in the county court and providing for trials by jury in said court; regulating appeals and bills of exceptions from said court providing for judge and solicitor for the county court and fixing their fees and fixing the terms of said court and the compensation of sheriff and clerk therein; providing for appeals in misdemeanor cases from justice courts and trials thereof; providing for the recording of affidavits in county court and the introduction of the record thereof as evidence; providing that if any portion of this act shall be declared unconstitutional it shall not affect balance of act and further providing for the repeal of all acts in conflict with the provisions of this act.

The State of Alabama, }  
Lawrence County. }

Before me, C. M. Sherrod, a notary public in and for said State and county, on this day personally appeared John P. White, who being by me, sworn in due form of law, deposes and says that he is the editor and publisher of the Moulton Advertiser, a weekly newspaper, published at Moulton, in Lawrence county, Alabama, and that the attached and foregoing notice was published and appeared in said, The Moulton Advertiser, regularly, once a week, for four (4) successive weeks prior to the making of this affidavit, to-wit: in the issues of said paper of dates as follows: April 9th, 1919; April 16th, 1919; April 23rd, 1919; April 30th, 1919.

John P. White,  
Editor and Publisher of The Moulton Advertiser.

Sworn to and subscribed before me, this the 6th day of May, 1919.

C. M. Sherrod,  
Notary Public.

By Mr. Prestwood:

S. 329. To provide for and fix the compensation to be allowed the sheriff and circuit clerk of Covington county for all official duties for the compensation of which no express provision is made by law; and to provide how the court of county commissioners of Covington county shall fix and allow said compensation and to regulate the same; to provide for the repeal of all laws, local, special or general in conflict therewith insofar as they relate to the compensation of the sheriff and circuit clerk of Covington county.

Judiciary.

(With notice and proof thereto attached and herewith exhibited as follows:)

#### NOTICE.

Notice is hereby given that a bill will be introduced at the adjourned session of the Legislature of Alabama, to be convened in July, 1919, to provide for and fix the compensation to be allowed the sheriff and circuit clerk of Covington county, for all official duties, for the compensation of which no express provision is made by law, and to provide that the court of county commissioners of Covington county shall fix and allow said compensation and the same to be paid out of the county treasury in monthly installments on warrants drawn and signed by the court of county commissioners of Covington county as is required by law; and to provide that said compensation shall be fixed and allowed to the sheriff and circuit clerk

each by the court of county commissioners in an amount not less than six hundred dollars per annum and not more than one thousand dollars per annum; and to provide for the repeal of all laws, local, special or general in conflict therewith in so far as they relate to the sheriff and circuit clerk of Covington county with reference to said compensation.

Dated May 29th, 1919.

J. Morgan Prestwood.

The State of Alabama, }  
Covington County. }

Before me, H. J. Brogden, clerk of the circuit court in and for said county and State, personally appeared Oscar M. Dugger, who, being duly and legally sworn, deposes and says that he is editor and owner of the Andalusia Star, a newspaper published in Covington county, Alabama, and which is a semi-weekly newspaper; that the above and foregoing notice, was inserted in said Andalusia Star, and has been published and has appeared regularly and consecutively in four weekly issues of said Andalusia Star; that said notice was published in the June 6th, 1919, June 13th, 1919, June 20th, 1919, June 27th, 1919, issues of said Andalusia Star.

Oscar M. Dugger.

Sworn to and subscribed before me this 7th day of July, 1919.

(Seal.)

H. J. Brogden,  
Clerk Circuit Court.

By Mr. Tally (by request):

S. 330. For the relief of John Lewis, lately sheriff of Marshall county.

#### Finance and Taxation.

(With notice and proof thereto attached and herewith exhibited as follows:)

#### NOTICE.

Is hereby given that there will be introduced in the Legislature of Alabama a bill providing for the relief of John Lewis, lately sheriff of Marshall county, for and on account of injuries suffered by him while attempting to arrest deserters from the United States army during the late war between the United States and Germany, which said bill will read as follows:

#### A BILL

To be entitled an act for the relief of John Lewis, lately sheriff of Marshall county.

Whereas, during the recent war between the United States and Germany, John Lewis, while sheriff of Marshall county and acting as such, was attempting to arrest Wess Wright and others, whose names are unknown deserters from the United States army, and while attempting to make such arrest was desperately and seriously wounded in the head, suffering the loss of an eye and other serious injuries from a gunshot wound at the hands of the said Wess Wright.

And whereas, there is no provision of law made for the indemnification of an officer so suffering while in the discharge of his duty.

And whereas, the said John Lewis not only suffered great financial loss, but has been subject to great physical and mental suffering and is in a large measure disabled from the pursuit of any gainly occupation.

Therefore, be it enacted by the Legislature of Alabama, That immediately on the approval of this act the auditor of the State of Alabama will

draw his warrant on the treasury of the State of Alabama in favor of the said John Lewis for the sum of five thousand dollars (\$5,000.00).

That there is hereby appropriated out of any funds in the treasury of the State of Alabama not otherwise appropriated, the sum of five thousand dollars to be paid to the said John Lewis on the warrant above provided for his relief for and on account of the injuries and loss suffered for him as stated in the preamble of this act.

John A. Lusk.

The State of Alabama, }  
Marshall County. }

Now comes Yancy Burk, editor and proprietor of the Guntersville Advertiser, and being duly sworn, says that the attached notice and copy of a bill to be introduced to the Alabama Legislature was published for 4 consecutive weeks in the Guntersville Advertiser, a newspaper published in Marshall county, Alabama, after the 29th day of March, 1919, and before the making of this affidavit.

Yancy Burke.

Sworn to and subscribed before me this the 5th day of July, 1919.

R. H. Williams,  
Notary Public.

By Mr. Acker:

S. 331. To amend section 4898 of the Code of 1907.

Judiciary.

By Mr. Evins:

S. 332. To amend an act entitled "An act to regulate the employment of minor children within the State of Alabama; to prohibit the employment of minors under certain conditions; to provide for the inspection, and regulation of establishments, occupations, places and premises where minors are employed; to entrust the enforcement of the provisions of this act to the State prison inspector; to punish violations of this act," and approved February 24, 1915.

Revision of Laws.

By Mr. West:

S. 333. To amend section 3615 of the Code of Alabama.

Judiciary.

By Mr. Sims:

S. 334. To provide for the registration and lien of judgments for the payment of money in all courts of the State of Alabama which are not courts of record.

Revision of Laws.

#### REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, it was read a second time and placed on the calendar, to-wit:

By Mr. Evins:

S. 192. To provide that the clerk of the circuit court in each of the respective counties of this State shall be ex-officio the clerk of the county court in such county; to fix his duties as such ex-officio clerk and to provide for his compensation.

Mr. West, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 312. To require the city of Mobile to pay one-half of the annual expenses of the juvenile court of Mobile county and of the detention homes for delinquent juveniles of Mobile county, including the salary of the judge of said court, the salaries of the probation officer, the salary of the humane officer, the salaries of the superintendent, matron and other employees necessary for the care of the detention homes for juvenile delinquents of Mobile county and the expense of providing and maintaining of detention homes for juvenile delinquents of Mobile county and the expense incident to the up-keep of the humane officer's automobile.

By Mr. Espy:

S. 299. To authorize the court of county commissioners of Henry county, Alabama, to settle, adjust and refund, or either, the outstanding unpaid indebtedness against said county, by directing all or any portion of the surplus funds thereof on hand, disbursed in payment of all or any portion of the matured part of said indebtedness, and authorize the issuance of interest-bearing warrants of said county for the remainder of any portion thereof of said indebtedness, also authorize such warrants to issue for all or any part of the outstanding unpaid, unmatured indebtedness against said county, providing to such warrants the same protection to which said indebtedness is entitled in order that the income of said county, after defraying current governmental expenses, may be arranged to pay said indebtedness.

By Mr. Craft:

S. 313. To amend section 1 of an act entitled an act "Creating and establishing the juvenile court of Mobile county, and defining its powers and jurisdiction; providing for the process and procedure of said court; for the equipment of said court; for officers of said court and their salaries and defining their powers and providing a commission to aid in carrying out the work of the court and prescribing its duties."

By Mr. Espy:

S. 300. To prescribe the maximum limit for the principal of unpaid outstanding indebtedness against Henry county, Alabama, not to exceed at any time.

By Mr. Espy:

S. 298. To further provide for improvement and maintenance of the public roads and bridges of Henry county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service, and levy and collect a vehicle tax and to provide penalty for violations of and failures to comply with provisions created under authority of this act.

By Mr. Smith of Lawrence:

S. 297. To ratify and confirm an election held by the qualified voters of the town of Town Creek in Lawrence county, Alabama, on the 15th day of April, 1918, for the purpose of ascertaining whether or not said town would issue bonds in the sum of \$5,000.00 to draw interest at the rate of 5% per annum, and to further authorize the mayor and aldermen of the town of Town Creek, Lawrence county, Alabama, to sell said bonds, and to use the money and proceeds of the sale of said bonds in the erection and equipping of a school house in the town of Town Creek, Lawrence county, Alabama, known as school district No. 59, which school building is to be used for the benefit of the children of the town of Town Creek, Lawrence county, Alabama.

S. 220. To define the jurisdiction of justices of the peace and notaries public who are ex-officio justices of the peace in precinct one in Cullman county, and to provide for the service of process from their courts.

S. 310. To fix the salary of the judge of probate of Montgomery county, Alabama, and allowance for clerical help and other expenses in said office, and to provide for payment thereof.

S. 296. To authorize W. J. Lee, E. E. Etheredge, and R. N. Streater, and their successors in office, as trustees of public school district No. 59 in the town of Town Creek, Lawrence county, Alabama, to execute a mortgage and borrow money on the real estate belonging to said trustees and their successors in office, in the town of Town Creek, Lawrence county, Alabama.

S. 170. Authorizing and empowering municipalities in the State of Alabama to own, construct, lease, and operate electric street railways, interurban electric railways, and electric lighting and power plants, and hydro-electric power plants, and authorizing municipalities in this State to co-operate and combine

and make contracts with each other and with municipalities in other states in the ownership, construction, leasing and operation of electric street railways, electric interurban railways and electric lighting and power plants and hydro-electric power plants; authorizing municipalities to purchase, acquire or lease existing interurban railways, and street railway systems; authorizing municipalities to mortgage electric street railways and interurban railways and power plants and to pledge the revenues derived therefrom, and to issue bonds, secured by such mortgages and pledges; providing for a system of allotting and prorating ~~the cost of electric interurban railways~~; providing for the election of commissioners by municipal governing bodies to represent such municipalities in the ownership, construction, leasing and management of interurban railways; providing that such commissioners shall keep a public record of their proceedings and publish the same, and providing for the exercise of the right of eminent domain by municipalities or by commissioners representing such municipalities.

S. 277. To prohibit live stock from running at large after January 1st, 1920, in all coutneis having a population of not less than thirty thousand nine hundred and not exceeding thirty thousand nine hundred seventy-five, according to the last or any subsequent Federal census, to provide for its enforcement and fix penalties for its violation.

S. 279. To fix the compensation of members of the courts of county commissioners and boards of revenue in all counties having a population of not less than 30,900 and not more than 30,975 according to the last or any subsequent Federal census, and to provide for the payment of the same.

Mr. Smith of Coosa, chairman of the Standing Committee on Military, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gunter:

S. 214. To amend article 2, section 7417 of the Code of 1907.

Mr. Kelly, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:



By Mr. Rogers of Lauderdale:

S. 284. To amend section 18 of an act approved April 22, 1911.

By Mr. Phillips:

S. 291. To require the court of county commissioners, board of revenue, or other governing body of the county to erect sign boards at the intersection or crossing points of all public roads and prescribing a penalty for the failure to perform said duty.

Mr. Phillips, chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Phillips:

S. 290. To amend an act to provide for the registration of electors.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. 83, relative to inviting President Wilson to address the two houses in joint session before the final adjournment.

And returns same to the Senate.

Fred H. Gormley,  
Clerk.

#### REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills beg leave to report that said committee, in session, have examined and compared the following engrossed bills with the originals and find same correctly engrossed, to-wit:

S. 159. To provide and prescribe an additional mode of service in all proceedings in the courts of this State upon non residents of this State, and upon residents of this State, who have been absent from the State for at least six months prior to the institution of such proceedings, and upon any and all residents of this State, who conceal themselves so that process can not be served upon them; and to declare the force and effect of such service; and to prescribe the time within which orders, judgments and decrees rendered in such proceedings upon such service shall become final.

S. 188. To provide for the dissolution of municipal corporations having population of less than 500 inhabitants.

R. B. Evins,  
E. C. T.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 83. To regulate the right to carry a pistol in this State.

H. 288. To amend section 6230 of the Code of Alabama of 1907.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read one time and referred to appropriate standing committees as follows:

H. 83. To the Committee on Judiciary.

H. 288. To the Committee on Revision of Laws.

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills beg leave to report that said committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

S. J. R. 85. Relative to the women of the State being given an opportunity to speak on the proposed amendment to the Federal Constitution providing for woman suffrage.

S. J. R. 83. Relative to the President of the United States being invited to speak in behalf of the covenant of the league of nations before a joint session of the House and Senate of Alabama, the date to be set by him.

Chas. McDowell, Jr.,  
E. C. T.

#### SIGNING OF RESOLUTIONS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a

two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following resolutions:

S. J. R. 85. Relative to the women of the State being given an opportunity to speak on the proposed amendment to the Federal Constitution providing for woman suffrage.

S. J. R. 83. Relative to the President of the United States being invited to speak in behalf of the covenant of the league of nations before a joint session of the House and Senate of Alabama, the date to be set by him.

#### REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills beg leave to report that said committee, in session, have examined and compared the following engrossed bills with the originals, and find same correctly engrossed, to-wit:

S. 49. To amend section 4109 of the Code of Alabama.

R. B. Evins,  
E. C. T.

Mr. Leith, from the Recess Legislative Committee on Convicts and Highways, filed the following report of said committee's investigations, which was read and ordered spread upon the Journal, to-wit:

#### REPORT OF THE LEGISLATIVE INVESTIGATING COMMITTEE ON CONVICTS AND HIGHWAYS TO THE LEGISLATURE OF 1919.

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JULY 8, 1919.

##### *To the Legislature of Alabama:*

Pursuant to a Senate joint resolution passed at the regular session of the Legislature of 1919 providing for a committee to investigate and report to the Legislature its findings on the following several subjects, siz:

1. The consideration and preparation of a constructive and practical system for the employment of all State and county convicts particularly with reference to their employment upon the public roads and highways of the State and to make investigations and inquire into the conditions now surrounding the care and custody of State and county convicts.

We beg leave to report that we have made a thorough and exhaustive investigation, we have examined numerous witnesses, and have personally inspected the physical conditions existing at the several prisons where State and county convicts are confined and we herewith return transcribed from

the stenographic notes in printed and bound volumes the sworn testimony of such witnesses together with all documents and papers offered in evidence and respectfully request that each and every member of the Legislature if possible familiarize himself with the facts gathered and herein submitted by your committee by reading said evidence in order that they may act intelligently on the very great and all important subject which directly affects the economic conditions of our State and deals so extensively with the flesh and blood of the unfortunate men, women and boys of our State.

We have endeavored to limit the expense of our investigation in every way possible, consistent with a thorough and complete compliance with the duties imposed by the terms of said resolution. The committee has been in session ----- days and the amount spent by your committee total not exceeding \$ -----.

The convict lease system in Alabama has been under fire for a number of years, the subject has occupied a conspicuous place in our legislative and executive programs for several years. There have been some changes from time to time, but nothing has been accomplished to substantially better the conditions of the convicts. Your committee undertook their duties with unbiased minds with a view of developing the facts and presenting the truth to the Legislature backed by the sworn evidence, the physical facts and figures. The officials in the convict department have been very courteous to us in assisting us to develop the facts and get the truth and we feel that our efforts have had the hearty sympathy of the different departments of State, every legislator and the masses of the people of Alabama.

We have visited every coal mine, lumber camp, turpentine still and in fact every convict camp in the State of Alabama. We have observed the prisoners being fed, while asleep, while at labor and in whatever modes of recreations they are allowed to participate. We have examined the members of the State convict board, the wardens, deputy wardens, guards, the physicians at the camps and the physician inspector, the chaplain and the convicts themselves. We have examined convicts while under sentence and in many instances those who had served their sentences and been discharged. We have gone among the convicts and talked with them of their conditions. They have told us and we have witnessed the truth of their statements with our own eyes. We have endeavored to consider the small things as well as the great and have tried to leave nothing undone and no stones unturned.

We have studied the laws of other states relative to the method and manner of handling their convicts and building public roads, and in this connection a sub-committee was appointed from the main committee who made a tour of the State of Georgia and made a careful study of that state's system of working its convicts. Much value information was gathered by this sub-committee which will hereinafter be referred to in detail. In a word it has been our earnest desire to turn on the light, both by presenting the facts as they exist in Alabama today and by comparison with our neighboring and sister states, and to this end we have put forth our best efforts.

The convict lease system in the State of Alabama is a relic of barbarism, it is a form of human slavery, it is next to impossible for the average citizen unfamiliar with the conditions to grasp or comprehend the horrors attendant with such a system. It is hard to describe the cruelties, woe and misery growing out of such a system. Surely we must have inherited it from the dark ages, no such horrible system could have originated and sprung from any nation or country that boasts of its high and enlightened civilization, that is the pride of every citizen of Alabama. It has been the

policy of the State to brand the convict with the dollar mark, when he is convicted and turned over to the State to begin his term of servitude, little else enters into the minds of those in authority over him save how many dollars he can earn for the State, his physical, moral and religious welfare is as completely abandoned as if he was a brute and no thought is given to the relation he will bear to society when released (if fortunate enough to live through his sentence) and the relation of the State and the duty it owes to society to try and better his condition, so that when he is again cast on society he will be a better citizen.

No wonder that our State has not prospered. No wonder that we have a floating debt of \$722,376.64, and other indebtedness aggregating approximately \$10,000,000.00, if God is a just God, if He sends just retribution on individuals it is not unreasonable to apply the same justice to our State, how then can we expect to prosper so long as we cling to such a system that has for generations received the condemnation of God and the most enlightened thinking people of the earth.

When a person is tried before a judicial tribunal of this State and is sentenced to hard labor for the State for a period of years, he should be required to perform that labor and while so doing he is entitled to be properly fed, clothed and given a decent place to work, no man or set of men and not even the State has any right, legal or moral, after they are sentenced to add thereto, cruel and unjust punishment or to place them in extra hazardous places to perform their work, where they will be maimed, disfigured and in many instances killed outright, the courts themselves do not possess this summary jurisdiction and power and most certainly the convict department and leasee do not have it and should not be allowed to exercise it.

We desire here to call attention to some few of the many cases of atrocities and brutal punishment and legalized murder imposed upon the convicts of our State.

At one of the mines in this State working convict labor a convict, able bodied and strong, worked twenty-six days during July and worked nineteen days during the month of August, 1918, the punishment record, made by the hand of the warden who inflicted the punishment, shows that this convict was given fifteen lashes on August the 16th, 17th and 19th, and that he never performed any more labor after his last whipping on August 19th and on the 15th day of October, 1918, according to his record, the convict died. In following up this case we found by sworn testimony that this convict immediately after his last beating was carried to the hospital, that he was bleeding profusely from the head and parts of his body, that his wounds were dressed and he was put to bed and he remained there until the 15th day of October, at which time he died. The testimony further showed that this convict failed to come out of the mines with the other convicts on this eventful 19th day of August and that the warden sent two other convicts down in the mines to search for him and they found him lying in a pool of water, "saying that he was sick and had given out," and another convict testified that he had fallen on his way out of the mines, when they found him they picked him up and carried him in their arms near the mouth of the mines where they were met by the warden, who was armed with a piece of rubber hose with a metal connection attached to one end, that he ordered those carrying the convict to put him down and told him to walk, that he tried and fell and the warden jumped on him and beat him with this rubber hose, and kicked him unmercifully and that he finally had to be picked up and carried to the wash house by two other convicts and then to the hospital, where he died, and it is shamefully interesting to note that it was reported from the camp that this convict died with tuberculosis.

Their own words condemn them for if the convict had tuberculosis he should not have been in the mines and would have been transferred on their application and report of his condition, and it is safe to say that he did not develop it in fatal form after the beating on the 19th day of August up to the 15th day of October, which date he died. This same warden is still occupying the position of warden at this same mine.

We found at one of the turpentine camps some eighteen or twenty miles from Tuscaloosa located in a dense forest of several thousand acres almost completely away from civilization where convicts are being worked under lease from the State, the superintendent of the lease who has the charge and control of these men after they are released from the stockade in the morning until they are returned at night laying out in the woods in a drunken stupor with a bottle of wild cat liquor in his pocket and the evidence shows that this same superintendent has been using the State's convicts in the manufacture of liquor and transporting the same by the State convicts to the city of Tuscaloosa.

At the same turpentine camp during the past four years we found that the most cruel abuses imaginable to the human mind have been inflicted. Convicts were required to rise as early as three o'clock in the morning and walk seven miles to their work of scraping turpentine and rosin from the trees and carrying it to the wagon sometimes two hundred yards away in buckets. In the language of one of the convicts we examined which is not an exceptional case, we here set out some of his testimony as follows, to-wit:

"I would go out about two-thirty in the morning and get in from seven to ten o'clock at night. Just run from one tree to another. I have seen them run and fall with cramp. I would be the first up; they would send me to the still. Would make me up and I would go to the still and I would come back and catch my squad. I have seen them killed in the woods at their work. I saw a guard shoot a boy by the name of 'Nelse.' He was dipping and I was bunching. The guard had beat him so and I told them to bring him over there and I would dip a keg for him, and he said he could not do any more that he had done give out. He was a boy about seventeen or eighteen years old and he had been running from one tree to another until he had given out and when they shot him he had set his bucket down and was standing by the side of a tree. I was standing as close to him as from here to the door when they shot him. I have seen them when they would beat them up and then pour high life on them. They would whip them here (speaking of the stockade) and in the woods. I have seen them in the woods with the flies swarming after them and when I had been out in the woods I have had the guards take my whip from me and whip the convicts many times. I have seen blood gush out through their shirts. A convict by the name of Jack Lane was whipped by a deputy warden and died. I saw his condition after he was whipped, the blood running down into his shoes and was running out the eyelets of his shoes. He never did do any work after that and it was about two weeks after they whipped him until he died. I saw George Gray killed. He was trying to put on a right-hand streak, chipping the tree and the guard said, 'George, you did not draw the tree.' I was working about three trees from George and I heard the guard 'holler' at him and the next thing I heard was a shot and he was about eight or ten feet from me. The boss claimed it was an accident. He was holding the gun with both hands and was at his back and he told me the next day that if I messed up any work he would do us like he did George."

The above and foregoing is a quotation from testimony taken before the committee at Henderson Land and Lumber Company's Turpentine Camp

near Tuscaloosa, Alabama. The evidence shows that there were others killed at this camp to say nothing of the cruel and inhuman punishment that was inflicted that in some instances were evidently worse than death. They would be whipped and their backs lacerated and then required to continue their work in the woods and their wounds would become infected from lack of treatment and one instance the infection was so severe that an operation had to be performed.

In the month of June, 1916, at this particular camp there were only a hundred and three men and the punishment record shows that there were two hundred and eighty punishments or whippings administered, saying nothing of those that were administered in the woods of which no record was kept. Sometimes these convicts would be struck as many as a hundred and five licks with the big heavy strap used for that purpose, and after a whipping when they would be beaten into exhaustion and insensibility and could not rise they would be kicked and choked and sometimes struck over the head with the handle or butt of the strap, most of these men whom have undergone these punishments have scars on their bodies which will go with them to their graves, to be worn by them as a badge of cruelty and the inhumanity of the damnable convict lease system which our laws legalize. We invite and earnestly request that the legislators and every citizen of the State who can possibly do so read the evidence which was taken at this camp.

We are glad to say that the existing conditions at this camp are much improved from the date above referred to. It is a haven of rest as compared to what it was in 1916. This is evidently due to the personnel of the convict board and the warden who is now over the men at this place at this time, but this is no argument in favor of the system, for who knows how long they can be retained. The very fact that good and bad conditions in our convict department fluctuate with the different political administrations of our State is sufficient evidence and argument to condemn it and demand its abolition. The flesh and blood of human beings and the honor and good name of our State should not be permitted to depend on the success or failure of any political administration.

We wish to call special attention to the fact that the conditions last referred to followed immediately in the year 1916 after the Legislature of 1915 had sent a legislative investigating committee into every camp in the State and had pointed out the evils of the system and recommended its abolition in no uncertain terms.

The condition concerning cruelties and murder in our convict department above referred to are not isolated cases. We could fill page after page reciting these horrible conditions, but space will not permit. However, there are other matters that we must refer to briefly in this report, one of which is the working conditions under which the convict is required to perform his task.

The convict is required and compelled to go wherever he is sent to perform the task which is imposed on him by law and he usually is leased to the bidder who will pay the most for him, like so many slaves or cattle, usually the party seeking convict labor has a mine or a turpentine camp where it is next to impossible to acquire free labor to do and perform the work he wants the convict to perform. In some instances he pays a fair price for the convict's labor and it being a question of dollars and cents with the leasee he is only interested in the amount of money he can make for him. We have found convicts working in the mines where it is four miles from the entrance or mouth of the mine back in the earth to their work. They are given a task and required to get it. They start early and are required to walk to their work down through the rough, wet, dripping

slope and when they have performed their task they have to walk back up the slopes and in some instances almost climb this distance of four miles and the result is they seldom see the light of day except on Sundays. Such conditions almost go beyond human endurance and the strongest and best physical beings cannot last long under such a strain. We have found them in mines with faulty tops or roofs, and the records show conclusively that they are maimed and crippled by falling rocks and terrible gas explosions which snuff out the lives of scores almost in the twinkling of an eye. At one of the mines we found five men whom were apparently big able-bodied and strong men before the explosion who were caught in an explosion and the skin was almost totally burned from their bodies. They were lying on beds covered with oil cloth with secretions dripping from their burned bodies scarcely breathing, the most pitiful objects of humanity that human eyes could possibly behold. At another mining camp we found three men in the same horrible condition and the evidence shows that these men were forced into the room in the mines where the explosion occurred, after they had told the inside foreman that the place was charged with gas and while they were begging and pleading with him not to force them into this room. At this same mine we found a boy twenty-one years of age sent up from Colbert county for a period of two years. This boy was forced into the mines against his wishes and while engaged at his task a rock fell on him and crushed his leg just above the knee, which made it necessary to amputate it. The reports show that it cannot be denied that 90 per cent of all the cripples in the convict department come from the mines as a result of falling rock, explosions and numerous other causes peculiar to a coal mine.

It is shown by unimpeachable evidence that 80 per cent of all the tuberculosis patients in the entire convict department come from the mines. We herewith set out a report from Dr. E. P. Moon, Physician, A. S. P. No. 1, as follows, to-wit:

"Legislative Recess Committee,  
Prisons and Penitentiaries.

Gentlemen: Complying with your request for a statement as to the number of men contracting or developing tuberculosis among convicts while in the penitentiary, beg to submit the following figures:

Number of male convicts assigned to the tuberculosis hospital from September 1, 1914, to August 31, 1918, comprising time of last quadrennial report of convict department.....	215
Number who had served in coal mines.....	130
Number who had not served in coal mines.....	32
Number who came to prison with tuberculosis.....	53
	<hr/> 215

I take it as a fair conclusion that these figures would be relatively correct for former years.

In justice to all concerned, I will state that no convict is assigned to coal mining unless he be strong and sound physically, while saw mill and turpentine men are sometimes taken of these with tendencies toward tuberculosis or with weak lungs.

Of the number of tuberculosis patients among the male State convicts who contracted or developed the disease in the penitentiary during the time mentioned, 130 were coal miners, who were naturally the pick of health and strength, otherwise they would have been assigned to work other than mining coal.

Coal mines have produced about 80 per cent of the tuberculosis patients in the penitentiary, who were not previously tubercular; however, I am



not sufficiently familiar with the facts to state what percentage of the prison population were engaged in coal mining, but it must be approximately fifty per cent.

The number of tuberculosis patients among the prisoners coming from Speigner prison may be partially accounted for by reason of the fact that the population at this prison is of even a lower physical type than are used at saw mill or turpentine.

Trusting the attached statement and the figures given herein may be of some assistance in your very important deliberations, I am,

Very respectfully,

(Signed) E. P. Moon,  
Physician A. S. P. No. 1.

#### STATEMENTS MADE BY PRISONERS RECEIVED FROM OTHER CAMPS.

HENRY WALLER, Banner.—Remarks: Over worked; had influenza and unable to work since; was whipped on account of work. T. B.

LAWRENCE CLARK, Bagdad.—Remarks: Whipped nearly every night; over worked. Has lash scars on body. T. B.

BENNIE MOORE, Banner.—Remarks: Tuberculosis developed after having an attack of influenza.

LUTMER BATES, Belle E.—Remarks: Over worked and in stooping position. Whipped on account of short weights.

HALLIE REED, Belle E.—Remarks: Tuberculosis developed after an attack of influenza. Over worked.

ALEX WALDREP, Speigner.—Remarks: Whipped and shot at for fighting. Body shows lash scars.

WEST TONEY, Belle E.—Remarks: At mines six months. Tuberculosis.

JACK GANDY, Belle E.—Remarks: Worked two months while sick and until was unable to go. Tuberculosis.

WILL WEBB, Belle E.—Remarks: Was taken out of mine and worked on account of broken leg. Tuberculosis.

TOM POLY, Aldrich.—Remarks: Worked in water, whipped in and out of mine; insufficient food; over worked. T. B.

DOCK MCCOSLIN, Flat Top.—Remarks: Insufficient food. Over worked. Transferred after loss of hand by explosion.

JAMES JAMAKES, Flat Top.—Remarks: Whipped on account of not being able to get task.

JACK STEELE, Aldrich. Remarks: Whipped for loading rock. Poor feeding. Arm injured in conveyor.

LEWIS SPENCER, Dixie.—Remarks: Several whippings, once in woods. Worked from before day until after dark. Went and came in run. Has improperly reduced elbow after fracture. Arm stiff. Worked two months after accident.

WILLIE SPATES, Flat Top.—Remarks: Were cruel in over work; poor food. Whipped for rock, etc. Long hours.

MATHEW LEWIS, River Falls.—Remarks: Vericose veins.

PINK SPROTT, Flat Top.—Remarks: Whipped for loading rock. Diseased neck.

LEO RICHARDSON, Flat Top.—Remarks: Whipped often for rock. Has mine poison in foot. Previous treatment bad.

JAMES COLEMAN, Flat Top.—Remarks: Whipped for rock. Long hours. Worked down.

JOHN WILLIAMS, Aldrich.—Remarks: Whipped for short task. Unable to get it on account of health. Run down condition.

ASBERRY BLACKWELL, Flat Top.—Remarks: Long hours. Insufficient food. Knee injured by falling rock. Over worked condition.

W. G. WELLS, River Falls.—Remarks: Whipped for failing to answer night watchman and for fighting. Over worked.

BEN KIRBY, Flat Top.—Remarks: Whipped for being unable to work. Food insufficient. Low mentality and poor physically.

FRITZ ANDERSON, Aldrich.—Remarks: Whipped often. Claims over worked.

W. G. DAVIS, Aldrich.—Remarks: Lash scars. Whipped for not working. Low mentality.

WILL BLACKMAN, Flat Top.—Remarks: Cruel treatment prior to present warden. Lash scars over body. Long hours. Insufficient food. Whipped for being unable to get task.

DE WITT PARKER, River Falls.—Remarks: Whipped for sending out a letter. Over worked; 15 hours daily. Low mentality.

DAVE HOWARD, Banner.—Remarks: Made many days at mine hungry. Whipped often for rock, etc. Broken down condition.

MAXIE SMITH, Flat Top.—Remarks: Insufficient food. Whipped for nothing. Transferred on account of old wound in head.

A. B. Gilmore, Flat Top.—Remarks: Food improperly cooked. Unable to eat it. Whipped for fighting. Over worked. Transferred on account of stab in side.

JAMES JAMAKES, Flat Top.—Remarks: Food insufficient. Whipped often for most trivial things. Both arms broken by lick in mine. Whipped for fighting.

The statements given hereinabove by the prisoners related to the previous warden's treatment, or previous administration. With very little criticism of the present treatment, however there are some exceptions. Gentlemen:

I herewith submit the statements made to me by prisoners after they were brought to this prison.

Trusting same will be of some benefit to you, and assuring you that it is always a pleasure to serve you in behalf of good, just, clean government, I am,

Yours truly,  
(Signed) E. P. Moon.

List of prisoners received at "Walls" from other camps during February and March, 1919:

FROM BELLE ELLEN.

Wes Tony, Bullock.—Tuberculosis.  
Luther Bates, Jefferson.—Tuberculosis.  
Jack Gandy, Dallas.—Tuberculosis.  
Hallie Reed, Morgan.—Tuberculosis.  
Will Webb, Jefferson.—Tuberculosis.

FROM ALDRICH.

Tom Poly, Lowndes.  
John Williams.  
W. G. Davis.  
Frank Edwards.  
Fritz Anderson.

FROM BANNER.

Bennie Moore, Montgomery.—Tuberculosis.  
Henry Waller, Etowah.—Tuberculosis.

## FROM FLAT TOP.

Ed Bettis, Talladega.  
Oscar Pitts, Limestone.  
Arthur Gilmore, Jefferson.  
James Jamakes, Jefferson.  
Henry Garrett, Jefferson.  
Dock McCoslin, Cullman.  
Frank Owens, Shelby.—Tuberculosis.  
Dave Howard, Mobile.  
Asberry Black'll, Etowah.  
J. W. Coleman, Etowah.  
Ben Kirby, Lauderdale.  
John Jemison, Jefferson.—Tuberculosis.  
Lee Richards, Mobile.  
Pink Sprott, Perry.  
Maxie Smith, Limestone.  
Will Gardner, Jefferson.  
Will Blackmon, Jefferson.  
Willie Spates, Mobile.

## FROM BAGDAD.

Lawrence Clark, Jefferson.—Tuberculosis.  
Peter Waters, Marengo.

## FROM RIVER FALLS.

Allen Stokes, Franklin.  
Mathew Lewis, Jefferson.  
DeWitt Parker, Jefferson.  
W. G. Wells, Jefferson.

## FROM DIXIE.

Lewis Spencer, Mobile.

## FROM NUMBER FOUR.

George Lige, Etowah.  
Ernest Henderson, Mobile.  
J. W. Warren, Lawrence.  
Jim Walker, Jefferson.  
Jim Furr, Wilcox.

## FROM SPEIGNER.

Martin Morris, Randolph.  
Alex Waldrop, Calhoun.  
Cleve Campbell, St. Clair.—Tuberculosis.  
Hugh Price, Morgan.  
Ben Franklin, Clark.  
Sam Gore, Randolph.  
Poly Sparks, Jackson.  
Solomon Harper, Jackson.  
Jim Furr, Wilcox.  
Will Smith, Mobile.—Tuberculosis.  
Charlie Jones, Montgomery.

Lewis Brown, Monroe.  
Rich Dawkins, Macon.  
Letha Davis, Jefferson.—Tuberculosis.  
Charlie Kraft, Cullman.  
Mack Jones, Russell.  
Ely McCants, Chambers.  
Jettie Hunter, Jefferson.—Tuberculosis.  
Houston Harris, Lamar.”

It should be borne in mind that no convicts are sent to the mines unless they successfully pass a rigid medical examination and are found to be **physically sound**, and it is from these men that 80 per cent of all the tuberculosis patients are drawn.

In visiting the various convict camps in the State of Alabama we found the mentality of the convicts very low and from the sworn testimony given there can be no doubt but what this condition was super-induced by improper nourishment and that the food sent to the different camps to be furnished the convicts had been misappropriated by some official in charge. We found at Banner Mines that the State had grown in the year of 1918 between twelve and fifteen hundred bushels of corn, cultivated by State convicts and State mules, that this corn had been sold for the sum of four hundred dollars to Pratt Consolidated Coal Company, who is the owner of Banner Mines and the leasor to the State of Alabama. And we found at other places where articles of clothing had been sent for the use of the convicts, that it had been taken over by some of the wardens and sold to the several convicts confined at these camps.

Our sub-committee sent into the State of Georgia report that they were accorded many courtesies and were given every opportunity by the authorities of Georgia for the purpose of their investigation in that State. The records were thrown open to them and they were furnished with cost sheets showing the cost of maintenance of convicts on the public highways and the relative cost of road construction of roads by free labor. They visited different counties—some of the wealthy and some of the poorest counties in the State.

The State of Georgia abolished its lease system about nine years ago. Up to that time Georgia was working its convicts under lease in practically the same manner that Alabama is at the present time. At the time of the abolition of the lease system in Georgia they were heavily in debt and a bitter fight was waged against working the convicts on the public roads on the grounds that the State could not afford to lose the revenue from the lease system and on the grounds that it was impractical to work them on the public highways, however the system was abolished and the convicts were placed on the public highways and today the State of Georgia does not owe a dollar that it is not in position to take care of. And the State is fastly becoming one of the leading Southern States for good roads. They are building and maintaining the best roads that brains, money and material can construct and it is being done with convict labor. The investigation developed that under the abnormal conditions brought on by the war, causing and making it almost impossible to procure free labor for road construction that State forged steadily ahead with road construction and maintenance which only was made possible by the fact that they were working their convicts on the public highways. The committee was shown the very best concrete and asphalt roads in process of construction and were informed by the authorities that every article that went into these roads were Alabama products and every single article that was going into these roads was purchased and shipped from Jefferson county, Alabama, save

the sand, which was purchased from a Montgomery concern. At the time that State begun working its convicts on the public highways that State had no better highways than Alabama. In the short period of eight years since the lease system was abolished and the convicts placed on the public highways they have built up a system of roads that any State could well be proud of. Its people have learned to value good roads second to no other asset and they are undertaking it on a large scale. Before the lease system in that State was abolished some of the counties tried to work their convicts on the public roads in the same and like manner that Alabama is trying to do so today, and in many instances they met the same fate that some of our counties have met that have undertaken the task where they have not had enough convicts to prevent the overhead expense from running away with the profit, but when the lease system was abolished they placed all the convicts of the State under the control of the prison commission of the state, to be equally distributed among the several counties who desired to work convicts on the roads. Since that time the entire system has been unsuccessful. The investigation further developed that by actual test convict labor for road construction costs fully one-third less than free labor for the same class of work. Two quarterly reports of the convict department of Fulton county, Georgia, showing the cost of maintenance of convicts, mules, trucks, other tools and equipment, the overhead expense and in fact a complete report of the cost of maintenance of convicts and construction of roads of Fulton county is attached and made a part of the record for reference thereto.

It is needless to say that our investigation has developed that Alabama roads are in a deplorable condition. In some of the wealthy counties of the State it is true we have some short stretches of fair roads, but as a whole Alabama is without a system, and this is true notwithstanding our natural resources far exceed those of our sister state, "Georgia," and industrial development in our State has far exceeded that of most any of our sister states, notwithstanding we are now and have always been hampered by bad roads. We have the material in abundance out of which to build and maintain the best roads that human ingenuity can construct, but we have no system and have never undertaken the project of building roads on a scale in keeping with our State's interest. The past has proven without a shadow of doubt that we can never build up a system of roads through the State by the now existing practice of some of the counties doing some work at intervals and others doing none, and when a road is built, leaving it without maintenance and attention to the mercy of the gods until it becomes impassable. We must take a broad view of the situation and undertake something on a large and permanent scale for it is without doubt the largest subject before the Legislature today. We believe if Alabama is to ever have a system of roads worthy of the name and that will be satisfactory to our citizens and in keeping with our State's interest, the project of building and maintaining the State trunk roads through all the counties of the State must be taken in hand by the State and said roads be built and maintained by the State with the aid of the Federal government. This is entirely within our possibilities and the hour has struck when we should begin this work.

We respectfully adopt as a part of this report that part of the governor's message to your honorable body relating to the convict lease system, which is as follows, to-wit:

#### CONVICT LEASE SYSTEM.

Our system of contracting the labor of convicts is a reproach to the State. As a means of picturing the conditions under which these unfortu-

nates are working I quote from a report of a committee of the Legislature of 1915:

"This subject was approached with an open mind. After consideration we have been forced to the conclusion that the convict lease system of Alabama is a relic of barbarism, a species of human slavery, a crime against humanity. We do not advocate the pampering of prisoners, and we are not seeking to prepare for them a bed of roses. They should be punished severely; they should be made to work; their fate should be an example to others. We have no legal or moral right after they are sentenced to add thereto 'cruel and unusual punishment.' A sentence to hard labor should not impliedly include a deprivation of nourishment, an absence of God's sunlight, the breaking of bones, the maiming of limbs, the disfigurement of persons, the loss of life itself. Lessees should not have the authority after jury and judge have acted, to add punishment which no court in the first instance would have imposed.

"Farmers' sons, tillers of the soil, bred-in-the-bone to open life; mountaineers, lovers of nature, used to God's country, we found them in the bowels of the earth, going in hours before the sun rose and coming out hours after it had set. The imposition of tasks from ten to fourteen tons of coal a day required, and from one to four tons added to guard against rock in the coal, the enforcement of these tasks by brutal treatment, so brutal that in some instances brought to the committee's attention, the skin was literally beaten from the back, causing scars that will be carried to the grave, ill-prepared and insufficient food, their burial in roughly constructed boxes made from lumber taken from old houses, at a cost not exceeding \$2.50 a funeral, are all illustrations of man's inhumanity to man.

"It may be said that we mention exceptional cases. We found them of general occurrence. We know these conditions exist because we saw them and have had evidence of them. Instances could be multiplied except for lack of space in this report.

"Under normal conditions the convict would not perform average work, yet we find under this driving slavery system, where the free miner mines two tons, the convict produces four. The convict should not be allowed to choose his work, but without experience, knowledge, aptitude or training, he should not be forced to take his life in his hands by engaging in labor dangerous even to those who are trained and experienced in such work, on account of falling rocks, explosives, unsupported roofs, gas and dust explosions.

"Our courts have decided that no one can contract against his own negligence and where the convict is working under control of the lessee the latter is liable for injuries received through his negligence or wanton or willful acts. We find that under the late leases of the State, they are so worded that the convict is under the control of the State and when maimed or injured has no remedy, however great may be the negligence, or however wanton or willful may be the act causing his injury. The State has therefore become not only a partner, but also a protector of these iniquities.

"The condition of the convicts in the turpentine and lumber camps of the State is as bad if not worse than in the mines. They are made frequently to rise at four in the morning, day in and day out, walk five or six miles to work, toil all day long, with insufficient water and food, in the heat of the sun until darkness comes, and then forced to walk into camp for their supper.

"The system is wrong. It is indefensible. The more one studies it the greater his horror; but as dark as this phase of the picture is it does not compare with the more dangerous feature of setting a prisoner to a task of this kind because of one mistake, and have him come out after years with

a bitter enmity and hatred toward mankind. This is the class of man most dangerous to society. He cares for nothing now. He has undergone the most excruciating pain, the hardest toil, the deepest humiliation. He has been driven like the beasts of the field by heartless task masters. Instead of society in the form of laws having protected herself from one considered an offender, she has multiplied and turned loose upon her own head the danger she is seeking to avoid."

I am not prepared to say whether the conditions have been improved since that report was made. The State received the approximate sum of \$750,000 for the hire of its convicts for the year ending September 30, 1918. If the lease system is abolished and the convicts placed at non-remunerative work, a like sum must be drawn from some other source. If they are put to work in the public roads an outlay of several hundred thousand dollars will be required for equipment and for the work and for their safe-keeping. It might be best to use them in developing and working the coal lands that belong to the State. Under direct supervision of agents of the State the same humane treatment could be given them as is given to free labor. It is a complex question, full of difficulties. I shall make a study of it and present for your consideration at the adjourned session the result of my investigation with recommendations.

#### RECOMMENDATIONS.

1. We recommend that the convict lease system be abolished during the present administration.

2. That all class one and class two male convicts be placed on the State trunk highways of the State, and that they be worked on said State trunk highways under the supervision of the State highway department in co-operation with the State convict department.

3. That the process of transferring all of class one and class two male convicts from the lease system begin immediately after the first day of January, 1920, and continue as rapidly as possible until all of class one and class two male convicts are transferred to the State trunk highways of the State. And that on and after the first day of January, 1923, that it be made unlawful for any officer or agent of the State of Alabama or any political subdivision thereof to lease or hire to any person or corporation any of the convicts of this State or any political subdivision thereof. And on and after said date all contracts for the lease of convicts be in all things cancelled and annulled.

4. That all other convicts now under lease other than class one and class two, be transferred to the Speigner cotton mills and the State farm by the convict department as speedily as possible.

5. We recommend that the Speigner cotton mill be increased to fifteen thousand spindles in accordance with the recommendations of H. H. Stewart, general manager of said mills, which said report is herewith set out as follows, to-wit:

"Statement of general conditions pertaining to Alabama cotton mills, Speigner, Alabama:

#### CLASS OF HANDS EMPLOYED.

Cripples -----	9
Boys -----	24
Men—Class 2 and 3 -----	80

Men—Class 1	5
Negro women	53
Total employed	173

Mill now running on Osnaburgs.

Number of hands necessary to operate mill on 3.50 yard sheeting, 160.

Average earnings for past two months is \$65.00 per month for each convict employed. Part of this time devoted to sheeting and part to seven-ounce Osnaburgs. On present prices and conditions earnings per convict would be some higher on sheetings. Earnings of \$65.00 as listed above includes the \$20.00 per month paid to State for hire of each convict. Mill is preparing to go back to manufacturing sheetings soon as present contract for Osnaburgs is completed.

Considering general character or class of labor employed in mill, it is probable they are earning a greater net profit than could be secured for them on contract. In fact a good proportion of them are physically unsuited for heavy labor.

If effort is made to separate sexes in mill, the best method of accomplishing this purpose would be to divert all women to the weaving department, eliminating the men weavers by transferring them to other departments. This would necessitate training the women as weavers and the men transferred to the work of other rooms. Also it would be necessary to erect a partition effectively shutting off the weaving department. However, such a dividing wall would materially interfere with present splendid arrangement of handling the stock from one process to the following. It would also interfere with the general light in mill. An ideal arrangement would be to erect a new weave-shed on end of mill toward women's cell, and put all weaving therein. Such addition would be connected with main mill by passage way guarded by employed men. Space left in present mill would afford ample room for an addition or increase to present equipment.

If capacity of mill was brought up to 15,000 spindles it would make a valuable property and would enhance the value of that already installed. The financial returns from such an investment would be very handsome. The figures given below are a fair statement of results based on present markets and conditions.

Increasing capacity to 15,000 spindles will result in reducing manufacturing costs by 15 per cent on every pound of output, and will increase the output by 75 per cent.

In dollars and cents, based on present prices for 3.5 yd. sheetings, mill should earn some \$1,900.00 per week net. With equipment brought up to 15,000 spindle capacity, earnings would be \$4,100.00 net per week. This would be an increase of 66 per cent in equipment and an increase of 119 per cent in net profits.

The earnings per convict on sheeting at present would be some \$70.00 per month, and with the increase in size of mill the earnings per convict would be \$87.00 per month. This includes the \$20.00 per month paid the State for hire of each hand employed.

It would require an investment of approximately \$210,000.00 to bring the mill up to 15,000 spindle capacity. The additional net profits, figured on present conditions, would pay for the new installation in 92 weeks, approximately two years. This would prove a 50 per cent investment, granting present conditions hold, and eliminate the mixing of sexes.

Attached is memorandum giving approximate costs of new machinery necessary and buildings. Part of this is estimated and part based on quotations from builders of the machinery. Attached also is memorandum



of increase in cost of running enlarged bill as compared with present costs.

Profits of mill for past four years, that is the four years ending August 31st, when department's books were closed, is \$337,914.80 net.

Convicts employed would average some 160. This makes an average earning per convict of \$44.00 per month plus the maintenance costs paid to State, over period of four years.

#### ALABAMA COTTON MILLS, SPEIGNER, ALABAMA.

Cost of operating present mill in comparison with mill of 15,000 spindles capacity:

	Present mill 9,000 spindles	15,000 spindle mill
Convict hire per week-----	\$ 743.00	\$1,165.00
Free labor-----	223.00	294.00
Fuel (54 tons coal)—w. p.-----	175.00	285.00
Supplies-----	250.00	375.00
Wear and tear-----	50.00	65.00
Insurance-----	12.50	20.00
	<u>\$1,453.50</u>	<u>\$2,204.00</u>

9,000 spindles cost per week to operate, \$1,453.50; 15,000 spindles cost \$2,204.00, making increase of 6,000 spindles cost to operate, \$750.50. This is saving of 76 cents per spindle per year on operating costs.

Cost of adding 6,000 spindles and accompanying machinery to plant of the Alabama cotton mills, at Speigner, Ala. (approximate):

#### Power Plant (Steam)—

Two Sterling boilers, 125 h. p. and 150 h. p. (estimated)-----	\$ 8,000.00
New Corliss 600 h. p. engine (less old engine)-----	13,000.00

#### Pickers—

2 40-inch Kitson breaker pickers-----	\$3,500.00	
2 40-inch Kitson int. pickers-----	2,700.00	
2 40-inch Kitson Fin pickers-----	2,750.00	8,950.00

#### Cards—

24 40-inch revolving flat cards, accessories-----	29,275.00
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#### Drawing—

72 deliveries of drawing (metallic rolls)-----	8,600.00
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#### Slubbers—

2 72-spindle Lowell slubbers-----	3,850.00
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#### Fly Frames, Int.—

4 Lowell fly frames, 88-spindle-----	6,400.00
Spinning frames, 23 q208 sq. 7½-in. qua. @ \$6.75-----	40,500.00
Spoolers, slashing, warpers, cloth-room-----	7,800.00

#### Looms—

100 Model E Draper automatic looms—36-inch and 40-inch (estimated)-----	33,600.00
	<u>\$158,975.00</u>

Building, shafting, hangers, pulleys, belting, bobbins, etc. (estimated) -----	45,000.00
Total -----	\$203,975.00

6. We recommend that the lands belonging to the State which is now leased out to private parties consisting of eight hundred and sixty acres of the most fertile lands lying in Elmore county known as the "Buyck Farm," which has been under lease several years for the small sum of \$400.00 per annum, be not renewed on its expiration on the first day of January, 1920. This farm is close enough to the Wetumpka camp to be cultivated with convict labor from that camp without the expense of building stockades on said farm, and we therefore recommend that the same be done.

~~The State owns some three thousand acres~~ of very fertile lands at Number Four. There is now some buildings and equipment there and some very substantial improvements are going forward. The facts show that this farm although one of the best in the State, through mismanagement, has been operated at a loss to the State. No sufficient excuse has been shown for this loss other than mismanagement. It is true that on account of an overflow a very large part of a corn crop was lost, but it is a fact that the overflow did not come until a date in the fall of the year when the corn had been mature for quite a while and if vigilance and good business methods had been employed, the corn would have been gathered and safely housed before the overflow.

We, therefore, recommend that these farms, including the farm at Speigner, be given the attention that they are entitled and that all convicts not able to qualify for road work be worked on these farms and at the Speigner cotton mills, and that they be so conducted and managed so as to produce as near as possible all the food and supplies for the convict department.

7. We further recommend the submission to the people at a special election the proposition of the State issuing twenty-five million dollars of State road bonds for the purpose of procuring Federal aid in building a system of State trunk roads in Alabama. And that the automobile license tax be increased 50 per cent, and that all of the money procured from the sale of said license tax be set aside or placed in a special fund to the credit of the State highway department for the purpose of paying the interest on said twenty-five million dollars of road bonds, providing a maintenance fund to maintain said roads when built and to retire said bonds before or at the time they mature in accordance with the table herewith submitted as follows, to-wit:

## EXHIBIT C.

TABLE BASED ON 50% INCREASE OF AUTO TAX RATE IN 1920 AND 10% ANNUAL INCREASE IN NUMBER OF MOTOR VEHICLES.

Year	Bonds Issued	Total Bonds Issued	Bonds Retired	Outstanding Bond Issue	Interest on Bonds at 5%	Income from Auto Tax	Balance After Paying Interest	Total Miles of Road Built	Cost of Maintenance	Total Bal. after Paying Int. Man & Retr. Bonds
1920	\$ 2,000,000	\$ 2,000,000	\$	\$ 2,000,000	\$ 100,000	\$ 894,700	794,700	200	\$ 40,000	\$ 754,700
1921	2,000,000	4,000,000		4,000,000	200,000	984,100	784,100	400	80,000	1,458,800
1922	2,000,000	6,000,000		6,000,000	300,000	1,082,500	782,500	600	120,000	2,121,300
1923	2,000,000	8,000,000		8,000,000	400,000	1,190,700	790,700	800	160,000	2,752,000
1924	2,000,000	10,000,000		7,000,000	500,000	1,309,700	809,700	1,000	200,000	361,700
1925	2,000,000	12,000,000	3,000,000	8,000,000	450,000	1,440,600	990,600	1,200	240,000	112,300
1926	2,000,000	14,000,000	1,800,000	10,000,000	500,000	1,584,700	1,084,700	1,400	280,000	917,000
1927	2,000,000	16,000,000	1,000,000	11,000,000	600,000	1,743,100	1,143,100	1,600	320,000	740,100
1928	2,000,000	18,000,000	1,000,000	12,000,000	650,000	1,917,400	1,267,400	1,800	360,000	647,500
1929	2,000,000	20,000,000	1,000,000	13,000,000	700,000	2,109,300	1,409,300	2,000	400,000	656,800
1930	2,000,000	22,000,000	1,000,000	14,000,000	750,000	2,320,200	1,570,200	2,200	440,000	787,000
1931	3,000,000	25,000,000	1,000,000	16,000,000	850,000	2,550,000	1,700,000	2,500	500,000	987,000
1932		25,000,000	2,000,000	14,000,000	800,000	2,550,000	1,750,000	2,500	500,000	237,000
1933		25,000,000	1,000,000	13,000,000	700,000	2,550,000	1,850,000	2,500	500,000	587,000
1934		25,000,000	1,000,000	12,000,000	650,000	2,550,000	1,900,000	2,500	500,000	987,000
1935		25,000,000	2,000,000	10,000,000	600,000	2,550,000	1,950,000	2,500	500,000	437,000
1936		25,000,000	1,000,000	9,000,000	500,000	2,550,000	2,050,000	2,500	500,000	987,000
1937		25,000,000	2,000,000	7,000,000	450,000	2,550,000	2,100,000	2,500	500,000	587,000
1938		25,000,000	2,000,000	5,000,000	350,000	2,550,000	2,200,000	2,500	500,000	287,000
1939		25,000,000	2,000,000	3,000,000	250,000	2,550,000	2,300,000	2,500	500,000	87,000
1940		25,000,000	1,000,000	2,000,000	150,000	2,550,000	2,400,000	2,500	500,000	987,000
1941		25,000,000	2,000,000	2,000,000		2,550,000	2,550,000	2,500	500,000	937,000
Totals	\$25,000,000	\$25,000,000	\$25,000,000		\$10,450,000	\$44,627,000	\$34,177,000	2,500	\$ 8,140,000	\$ 1,037,000

NOTE: For the past 8 years the average annual increase in revenue from motor vehicles has been 38%. This table is based on an average increase of 10% for the next 12 years, and no increase thereafter.

8. We further recommend that the State highway department pay the State convict department for the use or hire of all class one and class two male convicts procured from the convict department for work or use on the public highways of the State the then current price for said labor of like kind, said price to be determined by the governor, the same to be paid out of the funds derived from the sale of the twenty-five million dollars of State road bonds, provided the same is carried when submitted to the people and the bonds are authorized to be issued. In the event said bond issue is not carried and said bonds are not authorized to be issued, then said convict labor is to be paid for out of funds in the treasury to the credit of the highway commission derived from the sale of automobile license tax. And we further recommend that the highway department take the convict labor and procure with it Federal aid as provided by the Federal laws.

9. We further recommend that the Legislature increase the appropriation for the extension of the spiritual work among the convicts which has been in operation for some time, and that the chaplains be required to do more personal work among the convicts.

10. We recommend that the care and welfare of the convicts and that the responsibility for their treatment be fixed in the chairman of the convict department. That the chairman of the convict department alone shall have the final authority in discharging subordinates.

11. We herewith report three bills hereinafter set out which we earnestly beg the Legislature to enact into laws which we believe will solve the convict and road problems in the State of Alabama and relieve the horrible conditions that have been attendant with our lease system for so many years.

These bills have been drafted after a careful study of the conditions of this and other states and after taking the people and the most advanced thinkers of our State into consultation. We feel that these measures meet the moral, financial and every other condition which must be affected and dealt with in handling a problem of such magnitude and of so grave importance to the people of our State. We feel that these bills, if enacted into laws, will meet the requirements of the State and in carrying out the conditions and requirements, will not create one dollar deficit in the treasury and will meet the demands and wishes of the majority of the people of the State of Alabama.

#### EXHIBIT D.

##### A BILL

Entitled an act to submit to the qualified electors of this State at a special election to be held at the call of the governor after ninety days from the final adjournment of this Legislature for their consideration an amendment to the constitution for the purpose of authorizing the State to establish and maintain a State highway system of public roads and bridges, to issue interest-bearing bonds therefor, to authorize the levy and collection of automobile or other motor-driven vehicle taxes by the State for said purposes and to provide for the establishment and maintenance of said State highway system, public roads and bridges according to such regulations as the Legislature may have prescribed or may hereafter prescribe.

Be it enacted by the Legislature of Alabama:

Section 1. That whereas the time has now come for the people of this State to construct and properly maintain a complete and permanent system of State highways, roads and bridges and to provide means to defray

the cost of constructing and maintaining the same perpetually and in a satisfactory manner to meet the requirements of public travel and traffic, and also to secure the large but delayed appropriation for said purpose by the National government, which appropriation has been duly made by the acts of Congress of the United States for the construction of public highways, roads and bridges on condition that the State shall furnish the proper amount required of it for said purpose before the appropriation of the National government shall become available, and whereas a State highway system has been laid out in this State, connecting up all of the counties together and the same has been approved by the Legislature and the State highway department but has not been built and maintained nor meet the demands made upon it for lack of means, and whereas the most important matter before the people and this Legislature at this time is the popular demand for a determination as to what measures shall be best taken to provide a complete, permanent and excellent system of public highways for this State, now, therefore:

Sec. 2. That the following amendment to the Constitution of Alabama is proposed to be submitted to the qualified electors of the State for their ratification or rejection at an election to be held and called by the governor after ninety days from the final adjournment of this session of the Legislature at which the amendment is proposed, which amendment is as follows, to-wit:

Section 3. Article XX—Section 1.

A.

“That for the establishment, construction and maintenance of a permanent, excellent and complete system of State highways, public roads and bridges in this State serviceable for three hundred and sixty-five days in the year, and to enable the State to secure the National appropriations for public highways, there shall be issued and sold by the State of Alabama interest-bearing negotiable State bonds, not to exceed the sum of twenty-five million (\$25,000,000.00) dollars, that said bonds shall bear interest at the rate of not exceeding five per centum per annum, payable annually or semi-annually, shall mature serially or otherwise not less than five or more than forty years from the date of their issuance, shall be made payable out of the State road and bridge fund, which fund is created for that purpose, shall be executed, sold and delivered on behalf of the State from time to time, shall be of denominations of ten dollars and up to one thousand dollars, and mature as may be determined by the highway commission who shall also be highway bond commission acting by majority vote with all proceedings of such commission reduced to writing and made of record, and the record and registration of said bonds shall be duly deposited in the office of the State treasurer and kept by him; that said bonds and interest coupons shall be signed by the chairman of the highway commission, countersigned by the State treasurer, and the issuance thereof approved by the governor. Said bonds shall be exempt from State, county and municipal taxes.

Provided, however, that the fac simile signatures upon the interest coupons of said bonds may be lithographed in lieu of signing; that said bonds shall be the direct obligation of the State and for the payment thereof the full faith and credit of the State is hereby irrevocably pledged. That the proceeds derived from the sale of said bonds shall be deposited in the State treasury and kept in a separate fund and shall be exclusively used to defray the cost of constructing and maintaining said highways, public roads and bridges of the State.

## B.

That for the purpose of securing the prompt payment of the principal and interest of said bonds to provide a sinking fund therefor, to place sufficient revenue in said State road and bridge fund, and to defray the cost of constructing and maintaining said State highways, public roads and bridges continuously in a highly serviceable condition, that all automobile or motor-driven vehicle license or privilege license tax now levied or which may hereafter be levied by law of every kind and description shall be exclusively used for the payment of said bonds, principal and interest, for creating a sinking fund and the remainder for the maintenance of said public highways, roads and bridges and extension of State highway system, that ~~county roads, and bridges may be built and maintained by the aid of the State and National government, that State roads and bridges may be built and maintained with the aid of the county and National government.~~ That said State highways, roads and bridges shall be constructed and maintained by the State highway department, and all moneys derived from the sale of said bonds shall be expended as the highway department may direct.

## C.

That this amendment and the foregoing provisions thereof, when ratified by the people, are self-executing without the aid of further legislation, but the Legislature shall pass such laws as it may deem necessary to secure the full benefit and effect of this amendment to the Constitution, either at this session of the Legislature or at the earliest possible time after its ratification by the people; that this amendment shall become immediately in full effect, nothing in the Constitution and sections 213 and 93 thereof to the contrary notwithstanding.

Section 4. That it shall be the duty of the governor to fix the date of said election and to give notice by proclamation to be published in one newspaper in each county in the State at least seven successive weeks next preceding the said election of the amendment proposed by this act to be submitted to the qualified electors of the State for their ratification or rejection.

Section 5. That at said election to be held as herein provided, the qualified electors shall vote upon said amendment, and on the official ballot printed for such election there shall be printed said amendment according to the words and figures herein above set out and shown in section 3 of this act, and also thereafter the words, "Yes," "No." The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the words expressing his desire, and before said amendment shall be printed on said ballot the following words, "Shall the following amendment be adopted as Article XX of the Constitution of Alabama." That the officers holding said election shall be the same and shall be appointed in the same manner and by the same officials as provided by the election law of the State for the appointment of officers to hold other general elections in the State and the election shall be held in all respects in accordance with the law governing general elections and with the constitutional provisions concerning amendments to that instrument. That the votes cast at said election shall be counted, canvassed, and returns made thereof to the Secretary of State in the same manner as in elections for representatives to the Legislature. The result of said election shall be made known by proclamation of the governor and if a majority of all the qualified electors who voted at said election upon the proposed amendment shall have voted "Yes" said amendment from the date of said proclamation shall be valid to all intents and purposes as a part of the Constitution of Alabama and as an article thereof.

## EXHIBIT E.

## A BILL

To be entitled an act to create a State highway department; to define its powers and duties; to authorize State aid in the construction and maintenance of public roads and bridges; to create a State highway fund and to provide for its expenditure; to impose certain duties upon county and municipal officials and to provide a penalty for their failure to discharge same; to authorize the State highway department to work State convicts upon public roads and bridges, as is now and may hereafter be provided by law; to assent to the act of Congress approved July 11, 1916, known as the "Federal aid law" and to authorize the State highway department to co-operate with the United States government in the construction and maintenance of rural post roads; and to repeal the act approved April 5, 1911, entitled, "An act to provide for the creation of a State highway commission, defining its powers, duties and compensations, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources."

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby created a State highway department for the State of Alabama, which shall consist of a State highway commission and a State highway engineer. Said State highway commission shall consist of the senior professor of civil engineering in the Alabama Polytechnic Institute, the State geologist and three other persons to be appointed by the governor. One of the first appointive members of said commission shall serve for three years from January 1, 1919, another for four years from said date and another for five years from said date, after which the terms of each appointive member shall be four years. All vacancies in the appointive membership of said commission shall be filled by appointment of the governor for the unexpired term. The governor may remove any member for inefficiency, malfeasance or neglect of duty. The members of said commission shall serve without compensation, but they shall each be allowed traveling and other expenses incurred in the discharge of their official duties. All questions before said commission shall be determined by a majority vote.

Section 2. The State highway commission shall consider and determine all questions relating to the general policy of the State highway department and the conduct of its work. It shall receive and consider the reports of the State highway engineer and act for the State highway department in all matters which have not been especially delegated by law to the State highway engineer. On or before the first day of April in each year, it shall be the duty of the commission to submit a printed report to the governor stating as near as possible the number of miles of road built or improved and also the culverts and bridges and constructed during the preceding year, the cost and general character of same and the location of materials suitable for road construction. Said commission shall recommend such legislation as it deems advisable and furnish any other information concerning road and bridge improvement as may be deemed expedient.

Section 3. The State highway commission shall elect from its membership a chairman; it shall have a seal and the members thereof shall have

the power to administer oaths. The State highway department shall be provided with a suitable office at the capitol and at such other places as the demands on the department may require, which shall be under the charge of the State highway engineer and same shall be kept open at such times as the business of said department and the convenience and interests of the public shall require. Said offices shall be conveniently and properly furnished at the expense of the State and shall be the repository for all records of the state highway department. The State highway commission shall hold meetings at such times and places as it may deem essential for the proper carrying out of the provisions of this act.

Section 4. The State highway commission shall elect a State highway engineer who shall be a competent civil engineer, having had not less than six years responsible engineering experience, of which not less than three years must have been in responsible highway engineering. Said State highway engineer shall hold office subject to the pleasure of the commission and his salary shall be fixed by the commission and be payable monthly. He shall also be allowed his actual and necessary traveling and other necessary expenses as provided by law while engaged in the performance of his official duties and shall give his whole time to the duties of his office. He shall take the constitutional oath of office and execute a bond to the State in such penal sum as may be prescribed by the governor in a guaranty company doing business in Alabama, to be approved by the governor, conditioned upon the faithful performance of his official duties. The premium on said bond shall be paid by the State highway department. He shall keep a record of every act of the State highway commission and, with the consent of the commission, he may employ such assistant engineers, clerks, stenographers, draftsmen, foremen, laborers, as may be necessary for the proper carrying on of the work of the State highway department, and fix their compensation, which shall be paid out of the State highway fund. It shall be the duty of the State highway engineer to give such advice and assistance to county and municipal officials with regard to the construction and maintenance of roads and bridges in the State as his time and other duties will permit, and as the rules and regulations of the commission may prescribe. He and his assistants may be required to attend public meetings held in or out of the State in the interest of improved road and bridge construction and maintenance.

Section 5. Motor vehicles used by the State highway department, its officials and engineers shall not be subject to any State, county or municipal license. The attorney general of the State shall be ex-officio attorney for the State highway department and shall give said department such legal counsel as it may require. He shall receive his necessary traveling expenses, as provided by law, when in the performance of his duties as ex-officio attorney for said department.

Section 6. The State highway engineer shall keep on file in his office copies of all plans and specifications prepared by the State highway department, and the files and records of said department shall, under reasonable regulations, be kept open for inspection by the public at all times. Certified copies thereof shall be received in evidence in all courts of this State.

Section 7. The State highway engineer shall cause to be made and kept in his office a general highway map of the State, which shall show all State trunk roads; he shall collect information and prepare statistics relative to the mileage, character and condition of the roads and bridges in all counties of the State. He shall investigate and determine the method of road construction best adapted to the various sections of the State and shall establish standards for the maintenance of roads and bridges which have been constructed with State aid. He may at all reasonable times be



consulted by county and municipal officials relative to any question involving the construction of roads and bridges, and he may call on the county and municipal officials for any information or assistance he may require, and it shall be their duty to supply same. Any county or municipal official who fails to supply such information or assistance immediately, shall be guilty of a misdemeanor and upon conviction be fined not less than \$10.00 nor more than \$100.00. The State highway engineer shall determine the character and have general supervision over the construction and maintenance of all public roads and bridges in the State. He shall report all of the proceedings of his office to the State highway commission at such times as it may designate.

Section 8. There is hereby appropriated to the State highway department for its use the entire net revenue derived by the State from the sale of motor vehicle licenses. Said sums herein appropriated, when received by the State treasurer, shall be set aside in a special fund known as the State highway fund and be used for no other purposes than the carrying out of the provisions of this act. Said State highway fund shall be paid out of the treasury on the State auditor's warrant drawn upon presentation to him of the certificate of the State highway commission signed by the State highway engineer.

Section 9. The State highway commission shall adopt such rules and regulations for the construction and maintenance of the public roads and bridges in Alabama as it shall deem proper. Same shall be printed and furnished to all local road officials in the State.

Section 10. No member of the State highway commission, the State highway engineer, or any other person in the employ of the State highway department shall be, either directly or indirectly, interested in any contract for the construction or maintenance of any road or bridge in the State, or in the sale of any machinery, material or anything whatever entering into the construction, maintenance or repair of said roads and bridges, and any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$200.00 nor more than \$500.00, and may also be sentenced to hard labor for not more than one year.

Section 11. The State highway commission shall reserve out of the State highway fund a sufficient sum annually, based upon estimates furnished by the State highway engineer, to support the State highway department. The balance shall be used in the construction and maintenance of State trunk roads and bridges on State trunk roads, as provided in this act. Before making any appropriations to counties of State aid, the State highway commission shall first set aside out of the State highway fund a sum, in its opinion, sufficient to secure the Federal funds apportioned to the State, so that the State will not lose the benefit of the appropriation of Federal aid. Whenever the court of county commissioners, board of revenue or other like governing body of a county, shall desire that a State trunk road or a bridge on a State trunk road in said county be constructed or maintained with State aid, written application shall be made by said body to the State highway commission, under such rules and regulations as said commission may prescribe. Such application shall be considered by the commission and if approved by it, the State highway engineer or one of his assistants, shall view said road or bridge and cause to be made surveys, plans, specifications and estimates of the cost of its construction or maintenance, and the State highway commission shall thereupon appropriate out of the State highway fund such part of the estimated cost of said work as it may deem proper, and the State highway department shall proceed to do said work. If it deems best, the commission may condition said appropria-

tion upon the appropriation by the county for said work of an amount fixed by the commission, which shall be paid into the State treasury to the credit of the State highway fund before the work begins. Whenever a county fails to make application for the construction or maintenance of a road or bridge, or the commission deems it best for such work to be done, it may proceed to construct or maintain any part of a State trunk road or bridge upon a State trunk road and pay part or all of the cost of said work out of the State highway fund.

Section 12. The State highway engineer shall furnish a competent engineer when needed during the progress of road or bridge construction or maintenance in any county under the provisions of this act, who shall supervise said work and see that the plans and specifications are complied with. Whenever it is proposed to do said work by contract and the estimated cost of same exceeds \$5,000.00, the State highway engineer shall advertise for bids at least thirty days in advance of the award of the contract in a newspaper published in the city of Montgomery, and in a newspaper published in the county where the work is to be done, and he shall receive bids for all or a part of said work and let the contract to the lowest responsible bidder, subject to the approval of the State highway commission. He shall reserve the right, however, to reject any and all bids or perform the work or a part of said work by day labor or convict labor as he may deem best for the interest of the State and county. When any work is done by contract the State highway commission shall require a bond of the contractor for the faithful performance of the work. Said bond shall be payable to the State of Alabama and shall be approved by the State highway commission, and it shall be in the amount of the contract price. The State highway engineer may authorize partial payments to a contractor performing any road or bridge work as the same progresses. The progress estimates and payments shall be based upon materials in place and labor expended upon the work, but not more than eighty-five per cent (85%) of the contract price of the work shall be paid in advance of the full completion and acceptance of same. At least, 15 per cent of the full contract price of any such work shall be withheld until the work is satisfactorily completed and accepted by the State highway engineer.

Section 13. Every contract for road or bridge construction or maintenance under the provisions of this act shall be made in the name of the State of Alabama and signed by the State highway engineer.

Section 14. The rights of way deemed necessary by the State highway department for a road constructed under the provisions of this act shall be acquired by the county in which such road is located without expense to the State. Should the county fail or refuse to acquire the necessary rights of way, the State, through the State highway commission shall have authority to acquire such rights of way either by purchase or by the exercise of the right of eminent domain.

Section 15. On or before the first day of February in each year the presiding officer of every court of county commissioners, board of revenue or like governing body in this State, shall certify to the State highway department the amount of money expended for all purposes in road and bridge construction and maintenance in his county during the preceding year and also furnish a statement of the estimated amount of funds that will be available in said county for road and bridge construction and maintenance during the current year.

Section 16. No road constructed or maintained under the provisions of this act shall be dug up or used for laying pipe lines, pole lines, sewers, railways or for other similar purposes without the written permit of the proper road authorities of the county in which the road is located, approved

by the State highway engineer and then such work shall be done only in accordance with the regulations prescribed by the said engineer, and the cost of replacing the road in as good condition as it was before said work was done shall be paid by the person to whom or in whose behalf such permit was given. Such person shall furnish the State with a cash deposit or certified check upon a solvent bank in an amount required by the State highway engineer, conditioned that same is to be forfeited to the State in the event said road is not placed in as good condition as it was prior to said work being done, within fifteen days from the time said work is completed.

Section 17. The State highway department is authorized to rent such offices and buildings as may be necessary, to purchase all live stock, machinery, tools and other equipment that it may deem necessary for use upon roads and bridges constructed or maintained under the provisions of this act, and pay for same out of the State highway fund. It shall also pay out of said fund the necessary expenses of said department of every description, including traveling expenses of the officials and engineers, foremen and clerks, while in the actual performance of their duties; and also the cost of all supplies for said department and the maintenance of live stock and machinery. All purchases shall be made through the State board of control and economy as provided by law.

Section 18. The State highway commission may make such changes or additions to the system of the State trunk roads as it may deem proper and construct or maintain the same with State aid under the provisions of this act.

Section 19. That the State highway department shall work State convicts in the construction and maintenance of public roads and bridges of Alabama as may now or hereafter be provided by law.

Section 20. That the Legislature of the State of Alabama hereby assents to the provisions of the act of Congress approved July 11, 1916, known as the "Federal aid law," entitled, "An act to provide that the United States shall aid the States in the construction of rural post roads and for other purposes." The State highway department is hereby authorized to enter into all contracts and agreements with the United States government relating to the construction and maintenance of rural post roads under the provisions of the said act of Congress, to submit such scheme or program of construction and maintenance as may be required by the secretary of agriculture and to do all other things necessary to fully carry out the co-operation contemplated and provided for by said act. The good faith of the State of Alabama is hereby pledged to make available funds sufficient to equal the same apportioned to the State by or under the United States government, and to maintain the roads constructed under the provisions of said act, and to make adequate provisions for carrying such maintenance.

Section 21. The State highway department is authorized to make all such rules and regulations as may be necessary to carry out the provisions of this act.

Section 22. The act approved April 5, 1911, entitled, "An act to provide for the creation of a State highway commission, defining its powers, duties and compensations, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources," is hereby repealed.

Section 23. This act shall take effect October 1st, 1919.

Section 24. All laws or parts of laws, local or general, inconsistent or in conflict with the provisions of this act are hereby repealed.

Section 25. That if any section or provision of this act shall be held to be void or unconstitutional it shall not affect or destroy the validity or constitutionality of any other section or provision which is not in and of itself void and unconstitutional.

#### EXHIBIT F.

House Bill No. -----

By Mr. Thomas E. Orr, of Marshall.

#### A BILL

To be entitled an act to provide for working convicts on the State trunk highways of the State of Alabama, under the supervision of the State highway department in co-operation with the State convict department. To authorize the removal of all able-bodied convicts from under the lease system and place them on the trunk highways of the State. To make it unlawful to lease convicts to any person or corporation after the first day of January, 1923. To authorize and empower the State highway commission to purchase from the convict department or pay said convict department for the use or hire of said convicts at the current price for labor, to be determined by the necessary preparations for housing, caring for, guarding and incarcerating said convicts by establishing permanent convict road camps in certain parts of the State of Alabama and to provide such temporary or portable camps and equipment as may be necessary to successfully care for and maintain such convicts as may be worked on the public highways of this State.

Section 1. Be it enacted by the Legislature of Alabama, That on and after the passage and approval of this act, the State highway department is hereby authorized and empowered to work convicts on the State trunk highways of the State of Alabama as hereinafter provided.

Section 2. Be it further enacted, That the State highway department shall as speedily as possible prepare by laying out such work and making the necessary arrangements and preparations as may be necessary to work convicts on the State trunk highways of this State.

Section 3. Be it further enacted that from time to time as the highway commission places itself in position to work or use convicts on the State trunk highways of this State, the State highway engineer shall make a requisition in writing addressed to the president of the convict board stating the number of convicts required, the camp or place to which they are to be delivered for duty and the date requested for their delivery, whereupon the president of the convict board shall within thirty days from the date of said notice withdraw from some of the leasees of said convicts the required number of class one and class two convicts and deliver them to the camp or place stated in the requisition to be used by said highway commission in the construction and maintenance of State trunk highways.

Section 4. Immediately on receipt of a requisition for convicts by the president of the convict board as provided in section 3 of this act, said president shall immediately give notice to the leasee from whom he will take such convicts, stating the number required and the date so as to give said leasee an opportunity to replace said convicts with other labor.

Section 5. It shall be the duty of the State highway commission to lay out such work and make such preparations for working convicts on said State trunk highways, and make such requisitions on the convict department for such convicts, so as to place all of class one and class two convicts on the State trunk highways by not later than the first day of January, 1923, and earlier, if possible, and on and after the first day of January,

1923, it shall be unlawful for any officer or agent of the State of Alabama or any political subdivision thereof to lease or hire out to any person or corporation any of the convicts of this State, and on and after the first day of January, 1923, every lease then existing between the State and any person or corporation for the hire or use of convicts shall become null and void and in all things cancelled.

Section 6. Class one and two convicts as stated in this act shall be held to mean as follows:—Class one: All that class of male convicts who are physically sound. Class two: All that class of male convicts who have some physical impairment, but which will not disqualify them from performing certain kinds of road work, and which physical impairment will not be enhanced by performing such road work, the same to be determined by the physician inspector, whose duty it is to classify and determine the physical fitness of convicts to do and perform manual labor.

Section 7. On delivery of convicts to the State highway commission by the convict department to be worked on the State trunk highways of this State, the highway department shall pay to the convict department for said convict labor an amount equal to the then current price for labor of like kind, the said price to be determined by the governor, which amount shall be paid to the convict department at the end of each quarter and the highway commission is hereby authorized and required to certify the amount due the convict department for convict labor, to the State auditor at the end of each quarter, who shall draw a warrant in favor of the convict department against the funds in the treasury derived from the issuance of State bonds for building State trunk highways, provided the proposed twenty-five million dollar bond issue to be submitted to the people is carried. In the event said road bond issue is not carried said auditor shall draw his warrant against the funds in the treasury to the credit of the highway commission derived from the automobile privilege license tax.

Section 8. It shall be the duty of the convict department to establish not less than five permanent convict road camps and more if necessary, as soon as possible and practical after the passage of this act. One of said camps to be located and established at some convenient and suitable place in the northeastern portion of the State, one at some convenient and suitable place in the northwestern part of the State; one at some convenient and suitable place in the southeastern part of the State. One at some convenient and suitable place in the southwestern part of the State and one at some convenient and suitable place in the central part of the State, the location of the same to be determined by the State highway engineer, the governor and the president of the convict board. Said camps are to be enclosed by sufficient stockades necessary for the safekeeping and incarceration of the convicts assigned to said camps, when not at work on the roads. All necessary buildings shall be erected and the necessary equipment installed to make said camps sanitary and healthy. Nothing herein shall be construed to prevent the convict department from transferring and installing in said road camps any and all equipment that the convict department may now have in use at any camp, stockade or penitentiary of the State where convicts are now being worked under lease, which is clean and in a sanitary condition. The convict department shall also erect suitable buildings for the storage of supplies and for caring for sick convicts. The convict department shall also provide such temporary equipment as may be necessary, such as tents or portable camps and equipment which according to their judgment is best suited for the purpose or use of the convicts when working, constructing or repairing State trunk roads, at a point too far away from the base or permanent camp, to be transported daily and economically by means of automobile trucks.

Section 10. Each of said camps provided for in the preceding section shall serve and be used as a base of supplies of material and labor for road

construction and maintenance of State trunk roads in that section of the State most conveniently located to said camp.

Section 11. The convict department shall provide the convicts with all necessary food, clothing, medical attention, tobacco and other necessities in the same and like manner as is done when said convicts are leased to corporate or private interest and shall also furnish a warden for each permanent camp and all necessary guards to properly guard said convicts while at work and otherwise. Their work shall be directed on the roads by the State highway department.

Section 12. The highway department shall erect at said permanent camps all necessary buildings for the storage of road supplies, blacksmith and machine shops for the repair of road-working tools and machinery to be used in the construction and maintenance of State trunk roads.

Section 13. No convict shall be required to perform more than ten hours of work per day on the roads or at any of the road camps in this State and their work shall be so arranged that they shall have at least one and one-half hours rest at noon of each day during the months of June, July, August and September, and at least one hour at noon each day during every other month of the year. All convicts shall be properly fed and clothed and shall be treated humanely. Corporal punishment shall not be inflicted except in cases where there is no other alternative. No person shall be allowed to inflict corporal punishment on a convict for any reason save the warden, and it shall be unlawful for him to inflict more than ten lashes on any one convict in any day of twenty-four hours and he shall not be allowed to strike a convict with anything save a smooth leather strap which shall not exceed two inches in width, thirty-six inches in length and shall not weigh exceeding sixteen ounces, and no one shall be allowed to strike a convict above the waist line. And any warden violating any of the provisions of this section shall be guilty of an assault and battery, or other higher offense, as the case may be, and shall be punished as provided by law. The convict department shall have the power to enact rules and regulations to carry the provisions of this section into effect.

Section 14. All laws and parts of laws in conflict with any of the provisions of this act be and the same are hereby repealed.

If any section of this act should be declared unconstitutional or any provision of the same it shall not affect the remaining provisions of the same.

Section 15. This act shall go into effect on its passage and approval by the governor.

#### CONCLUSION.

We found that the present administration is laboring incessantly to bring about better conditions in our convict department, under the present system, and we have seen already where it has accomplished much good, but it is next to impossible for any man or set of men under our present laws to bring about the desired results, hence if we are to make any substantial advancement there must be changes in our laws to meet the present needs.

Your committee approached its task with open and unbiased minds with a firm desire to bring before you the truth on which you could intelligently act for the good of our State. How well we have performed that duty remains for your honorable body and the people of our State to say.

Respectfully submitted,

Thos. E. Orr,  
M. L. Leith,  
John Craft,  
George Ross,  
J. C. Arnold.

## RESOLUTION.

Mr. Carlton offered the following resolution:

S. J. R. 91. Whereas, there will be held at Demopolis, Alabama, August 14th the Rooster Road Meeting, which has for its purpose the betterment of the public highways in that section, and

Whereas, the chairman of the Rooster Road Meeting has extended an invitation to the Legislature of Alabama to attend this meeting, going to Demopolis on a special train the expense of which will be borne by the Rooster Road Meeting;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring, that both houses adjourn for one day and attend this meeting.

Be it further resolved, that the Secretary of the Senate shall send a copy of this resolution to Mr. Jesse B. Hearin, chairman of the Rooster Road Meeting.

Which was read and referred to the Standing Committee on Rules.

## BILL ON THIRD READING.

The bill:

H. 182. To prohibit the keeping, exhibiting or operating of pool or billiard tables, on which the public can play, outside incorporated cities and towns having a police force.

Was read a third time at length and passed.

Yeas, 23; Nays, 7.

## Yeas:

## Messrs:

Acker	Butler	Espy	Phillips
Baker	Carlton	Gunter	Prestwood
Beale	Carmichael	Harper	Smith (Coosa)
Bedsole	Cowan	Kelly	Smith (Lawrence)
Briscoe	Craft	Miller	Tally
Brown	Ellis	Morris	

—23

## Nays:

## Messrs:

Huddleston	McDowell	Rogers (Sumter)	West
Leith	Rogers (Lauderdale)	Sims	

—7

## SPECIAL CONTINUING PARAMOUNT ORDER TAKEN UP.

The Senate proceeded to consider the special, paramount and continuing order for today, which was:

S. 53. An act prescribing the liability of an employer to make compensation by way of damages for injuries due to accident received by an employee arising out of and in the course of employ-

ment and providing for the enforcement of same, modifying common law and statutory remedies, in such cases; establishing an alternative elective schedule of compensation, regulating procedure for the determination of liability and compensation thereunder in certain cases, and prescribing penalties for the violation thereof; and providing a lien for attorney's fees and for medical and surgical services.

Mr. Leith offered the following substitute for said bill, to-wit:

#### WORKMEN'S COMPENSATION BILL.

An act prescribing the liability of an employer to make compensation by way of damages for injuries received by an employee occasioned by an accident proximately resulting from and while engaged in the actual performance of the duties of his employment and from a cause originating in such employment and providing for the enforcement of same, modifying common law and statutory remedies, in such cases; establishing an alternative elective schedule of compensation, regulating procedure for the determination of liability and compensation thereunder in certain cases, and prescribing penalties for the violation thereof; and providing for attorney's fees and for medical and surgical services.

Be it enacted by the Legislature of Alabama:

#### PART 1.—COMPENSATION BY ACTION AT LAW—MODIFICATION REMEDIES.

1. Circumstances under which compensation becomes due; defenses; willful negligence.—When personal injury or death is caused to an employee by an accident proximately resulting from and while engaged in the actual performance of the duties of his employment, and from a cause originating in such employment, of which injury the actual or lawfully imputed negligence of the employer is the natural and proximate cause, he, or in case of death, his personal representative, for the exclusive benefits of the surviving spouse and next of kin, shall receive compensation by way of damages therefor from the employer, provided the injury or death was not caused by the willful misconduct of the employee or was not due to misconduct on his part as hereinafter in section 9 hereof defined.

2. Defenses excluded.—In all cases brought under part 1 of this act it shall not be a defense (a) that the employee was negligent, unless and except it shall also appear that such negligence was willful, or that such employee was guilty of misconduct as hereinafter in section 9 hereof defined; (b) that the injury was



caused by the negligence of a fellow employee; (c) that the employee had assumed the risks inherent in, or incidental to the work, or arising out of his employment or arising from the failure of the employer to provide and maintain safe premises and suitable appliances, which grounds of defense are hereby abolished except as provided in section 4.

3. When defenses excluded.—If the employer elects not to come under part 2 of this act, he loses the right to interpose the three defenses named in section 2 in any action against him for personal injury or death of an employee.

4. When defenses available.—If the employee elects not to become subject to part 2 of this act, in any action brought to recover damages for personal injury or death by accident against an employer who has elected to come under part 2 of this act said employee or his personal representative shall proceed as at common law only and the employer in such suit may avail himself of all defenses as provided by statute in effect at the adoption of this act or at common law, and such employee shall have no right of action under sections 3912, 2485, 2486, 3910, 2484 of the Code of 1907 or any other right given by statute.

5. Death and personal injury claims.—The provisions of sections 1, 2, 3 and 4 shall apply to any claims for death of an employee as covered by sections 3912, 2485 and 2486 of the Code of 1907, and to personal injuries arising under sections 3910 and 2484.

5a. The provisions of this act shall apply to employees who are minors and who have been employed in accordance with or contrary to laws regulating the employment of minors.

5b. When an accident occurs while the employee is employed elsewhere than in this State which would entitle him or his dependents to compensation had it happened in this State, the employee or his dependents shall be entitled to compensation under this act if the contract of employment was made in this State unless otherwise expressly provided by said contract, and such compensation shall be in lieu of any right of action and compensation for injury given by the laws of any other state.

6. Burden of proof.—In all actions of law brought pursuant to part 1 of this act, the burden of proof to establish willful misconduct (or other misconduct as hereinafter in section 9) hereof defined of the injured employee shall be upon the defendant.

7. Legal services.—No part of the compensation payable under this act shall be paid to attorneys for the claimant for legal services unless upon the application of a claimant to a judge of the circuit court such judge shall order the employment of an attorney by the claimant and in such event the judge upon the

hearing of the petition for compensation shall fix the fee of the attorney for the claimant for his legal services, and the manner of its payment, but such fee shall not exceed ten (10%) of the compensation awarded or paid.

#### PART 2.—ELECTIVE COMPENSATION.

8. Not applicable to certain employments.—This act shall not be construed or held to apply to any common carrier (doing ~~an interstate business~~) while engaged in interstate commerce, or to domestic servants, farm laborers or persons whose employment at the time of the injury is casual, and not in the usual course of the trade, business, profession or occupation of the employer, or to any employer who regularly employs less than nine employees in any one business or to any county, city, town, village or school district. Provided, however, that any employer who regularly employs less than nine employees in any one business or any county, city, town, village or school district may accept the provisions of this act by filing written notice thereof with the probate judge of each county in which said employer is located or does business, said notice to be recorded by the judge of probate for which he shall receive the usual fee for recording conveyances, and copies thereof to be posted at the places of business of said employers and provided further, that said employers who have so elected to accept the provisions of this act may at any time withdraw the acceptance by giving like notice of withdrawal.

9. Agreement to be subject to provisions.—If both employer and employee shall by agreement expressed or implied or otherwise as herein provided become subject to part 2 of this act, compensation, according to the schedules hereinafter contained, shall be paid by every such employer in every case of personal injury or death of his employee caused by an accident proximately resulting from and while engaged in the actual performance of the duties of his employment and from a cause originating in such employment, without regard to any question of negligence, except no compensation shall be allowed for an injury or death caused by the willful misconduct of the employee or by the employee's intention to bring about the injury or death of himself or of another or due to his own intoxication or his willful failure or refusal to use safety appliances provided by the employer or due to the willful refusal or neglect of the employee or servant to perform a statutory duty or due to any other willful violation of the law by the employee or his willful breach of a reasonable rule or regulation of his employer. If the employer defends

on the ground that the injury arose in any or all of the above stated ways the burden of proof shall be on the employer to establish such defense.

10. Surrender of other rights.—Such agreement or the election hereinafter provided for shall be a surrender by the parties thereto of their rights to any other method, form, or amount of compensation or damages for any injury occasioned by an accident proximately resulting from and while engaged in the actual performance of the duties of his employment and from a cause originating in such employment, or determination thereof than as provided in part 2 of this act, and shall be an acceptance of all the provisions of part 2 of this act, and shall bind the employee himself, and for compensation of his death shall bind his personal representative, the surviving spouse and next of kin, as well as the employer, and those conducting his business during bankruptcy or insolvency, for compensation for death or injury, as provided for by part 2 of this act.

10½. Excluding other remedies.—The rights and remedies herein granted to an employee, shall exclude all other rights and remedies of said employee, his personal representative, parent, dependents or next of kin, at common law, by statute or otherwise, on account of said injury, loss of services or death; and except as herein provided in part (1) and part (2), (as the case may be) of this act, no employer included within the terms of this act shall be held civilly liable for any personal injury to or death of any workman due to accident while engaged in the service or business of the employer, the cause of which accident originates in the employment; but nothing in this section shall be construed to relieve any employer from criminal prosecution for failure or neglect to perform any duty imposed by law."

11. Presumption as to acceptance of provisions; election not to accept notices.—All contracts of employment made after the taking effect of this act shall be presumed to have been made with reference to, and subject to, the provisions of part 2, unless otherwise expressly stated in the contract, in writing, or unless written or printed notice has been given by either party to the other, as hereinafter provided, that he does not accept the provisions of part 2. Every employer and every employee is presumed to have accepted and come under part 2 hereof, unless thirty (30) days prior to accident he shall have signified his election not to accept or be bound by the provisions of part 2, but for an accident occurring within the first 30 days after employment notice not to accept given at the time of employment shall be sufficient, and in such event unless such notice has been given at the time of employment, the acceptance and coming under

part 2 hereof is conclusively presumed. The notice of election not to accept part 2 shall be given as follows:

"Any employer and any employee who are parties to a contract of service or employment existing at the time this act goes into effect is conclusively presumed to have accepted and come under part 2 hereof and said contract of service or employment shall be conclusively presumed to continue under the provisions of part 2 of this act from and after the day it goes into effect unless otherwise, expressly stated in writing in the contract of employment or unless at least thirty (30) days prior to the time this act goes into effect, written or printed notice have been given by either party to the other as hereinafter provided that he does not accept the provisions of part 2."

The employer in case he elects not to be bound by the provisions of part 2 hereof shall post and keep posted in his shop or place of business a written or printed notice of his election not to be bound by part 2 hereof and file a duplicate thereof with the probate judge of each county in which the employer does business. Said notice to be recorded by the judge of probate, for which he shall receive the usual fee for recording conveyances.

The employee in case he elects not to be bound by the provisions of part 2 hereof shall give written or printed notice to the employer of his election not to be bound by part 2, and file a duplicate with proof of service attached thereto with the probate judge of one county in which the employer does business. A certified copy of said notice so required to be recorded shall be presumptive evidence in any court or proceedings that said employer or employee, as the case may be, has elected not to come under part 2 hereof.

12. Either party may terminate agreement.—Either party may terminate his acceptance, or his election, not to accept the provisions of part 2 by thirty (30) days' written notice to the other, such notice to be given as provided in section 11. A duplicate of such notice with proof of service attached thereto shall be filed with the probate judge of the county in which the employee is performing service at the time such notice is given, and shall be recorded, and the time shall not begin to run until such notice is so filed.

12a. Minors.—Minors shall, for the purposes of part 2 of this act, have the same power to contract, make election of remedy, make settlements, and receive compensation as adult employees; subject, however, to the power of the court, in its discretion at any time to require the appointment of a guardian to make such settlement and to receive moneys thereunder or under an award, and payments or awards made to such minors or their guardians

shall exclude any further compensation either to the minors or to their parents for loss of services or otherwise.

12b. The interested parties shall have the right to settle all matters of compensation and all questions arising hereunder between themselves; provided that all settlements made hereunder must be in amount substantially the same as the amounts or benefits stipulated in this act, unless a judge of the circuit court of the county where the claim for compensation under this act is entitled to be made or upon the written consent of the parties a judge of the circuit court or a judge of the probate court of any county determines that it is for the interest of the employee to accept a lesser sum and approves such settlement. Any settlements hereunder may be vacated for fraud, undue influence or coercion upon application made to the judge approving the settlement at any time not later than six months after the date of the settlement. Upon such settlements being approved judgment shall be rendered thereon and duly entered on the records of said court in the same manner and to have the same effect as other judgments or as an award if the settlement is not for a lump sum. The costs of the proceedings which shall not exceed two dollars shall be borne by the employer.

All moneys voluntarily paid by the employer or insurance carrier to an injured employee in advance of agreement or award or under an unapproved or vacated agreement or award shall be treated as advance payments on account of the compensation due.

13. Schedule of compensation.—Following is the schedule of compensation: (a) For injury producing temporary total disability, fifty (50) per centum of the average weekly earnings received at the time of injury, subject to a maximum compensation of twelve dollars (\$12.00) per week except as otherwise provided herein, and a minimum of five dollars (\$5.00) per week; provided, that if at the time of injury the employee receives average weekly earnings of less than five dollars (\$5.00) per week, then he shall receive the full amount of such average weekly earnings per week. This compensation shall be paid during the time of such disability, not, however, beyond three hundred weeks. Payments to be made at the intervals when the earnings were payable; as nearly as may be.

(b) In all cases of temporary partial disability the compensation shall be fifty (50) per centum of the difference between the average weekly earnings of the workman at the time of the injury and the average weekly earnings he is able to earn in his partially disabled condition. This compensation shall be paid during the period of such disability, not, however, beyond three hundred weeks, payments to be made at the intervals when the

earnings were payable as nearly as may be and subject to the same maximum as stated in clause (a).

If the injured employee who is receiving such compensation for temporary partial disability should leave the employment of the employer by whom he was employed at the time of the accident for which such compensation is being paid, he shall, upon securing employment elsewhere, give to such former employer an affidavit in writing containing the name of his new employer, the place of the employment and the amount of wages being received as such new employment and until he gives such affidavit ~~the compensation for temporary partial disability shall cease.~~ The employer by whom such employee was employed at the time of the accident for which such compensation is being paid may also at any time demand of such employee, additional affidavit in writing containing the name of his employer, the place of his employment and the amount of wages he is receiving and if the employee, upon such demand, fails or refuses to make and furnish such affidavit his right for compensation for temporary partial disability shall cease until such affidavit is made and furnished.

(c) For permanent partial disability the compensation shall be based upon the extent of such disability. In cases included by the following schedule the compensation shall be that named in the schedule, to-wit:

For the loss of a thumb, fifty per centum of the average weekly earnings during sixty (60) weeks.

For the loss of a first finger, commonly called index finger, fifty per centum of the average weekly earnings during thirty-five (35) weeks.

For the loss of a second finger, fifty per centum of the average weekly earnings during thirty (30) weeks.

For the loss of a third finger, fifty per centum of the average weekly earnings during twenty (20) weeks.

For the loss of a fourth finger, commonly called little finger, fifty per centum of the average weekly earnings during fifteen (15) weeks.

The loss of the first phalange of the thumb, or of any finger, shall be considered as equal to the loss of one-half of such thumb, or finger, and compensation shall be paid at the prescribed rate during one-half the time specified above for such thumb or finger.

The loss of two or more phalanges shall be considered as the loss of the entire finger or thumb; provided, however, that in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a great toe, fifty per centum of the average weekly earnings during thirty (30) weeks.

For the loss of one of the toes other than a great toe, fifty per centum of the average weekly earnings during ten (10) weeks.

The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be paid at the prescribed rate during one-half the time prescribed above for such toe.

The loss of two or more phalanges shall be considered as the loss of the entire toe.

For the loss of a hand, fifty per centum of the average weekly earnings during one hundred and fifty (150) weeks.

For the loss of an arm, fifty per centum of the average weekly earnings during two hundred (200) weeks.

For the loss of a foot, fifty per centum of the average weekly earnings during one hundred and twenty-five (125) weeks.

For the loss of a leg, fifty per centum of the average weekly earnings during one hundred and seventy-five (175) weeks.

For the loss of an eye, fifty per centum of the average weekly earnings during one hundred (100) weeks.

For the complete and permanent loss of hearing in both ears, fifty per centum of the average weekly earnings during one hundred and fifty (150) weeks.

For the loss of an eye and a leg, fifty per centum of the average weekly earnings during three hundred and fifty (350) weeks.

For the loss of an eye and an arm, fifty per centum of the average weekly earnings during three hundred and fifty (350) weeks.

For the loss of an eye and a hand, fifty per centum of the average weekly earnings during three hundred and twenty-five (325) weeks.

For the loss of an eye and a foot, fifty per centum of the average weekly earnings during three hundred (300) weeks.

For the loss of two arms other than at the shoulder, fifty per centum of the average weekly earnings during four hundred (400) weeks.

For the loss of two hands, fifty per centum of the average weekly earnings during four hundred (400) weeks.

For the loss of two legs, fifty per centum of the average earnings during four hundred (400) weeks.

For the loss of two feet, fifty per centum of the average weekly earnings during four hundred (400) weeks.

For the loss of one arm and the other hand, fifty per centum of the average weekly earnings during four hundred (400) weeks.

For the loss of one hand and one foot, fifty per centum of the average weekly earnings during four hundred (400) weeks.

For the loss of one leg and the other foot, fifty per centum of the average weekly earnings during four hundred (400) weeks.

For the loss of one leg and one hand, fifty per centum of the average weekly earnings during four hundred (400) weeks.

For the loss of one arm and one foot, fifty per centum of the average weekly earnings during four hundred (400) weeks.

For the loss of one arm and one leg, fifty per centum of the average weekly earnings during four hundred (400) weeks.

Where an employee sustains concurrent injuries resulting in concurrent disabilities, he shall receive compensation only for the injury which produced the longest period of disability, but this section shall not affect liability for the concurrent loss of more than one member, for which member compensation is provided in the specific schedule in sub-section (d) below. In all cases the permanent and total loss of the use of a member shall be considered as equivalent to the loss of that member, but in such cases the compensation in and by said schedule shall be in lieu of all other compensations.

In cases of permanent disability due to injury to a member resulting in less than total loss of use of such member not otherwise compensated in this schedule, compensation shall be paid at the prescribed rate during that part of the time specified in the schedule for the total loss or total loss of use of the respective member, which the extent of the injury to the member bears to its total loss. If an injured employee refuses employment suitable to his capacity, offered to or procured for him, he shall not be entitled to any compensation at any time during the continuance of such refusal, unless at any time in the opinion of the judge of the circuit court of the county of his residence such refusal is justifiable. All compensations provided in clause (c) of this section for loss of members, or loss of use of members, are subject to the same limitations as to maximum and minimum as are stated in clause (a).

In all other cases of permanent partial disability not above enumerated, the compensation shall be fifty per centum of the difference between the average weekly earnings of the workman at the time of the injury and the average weekly earnings he is able to earn in his partially disabled condition, subject to a maximum of twelve (\$12.00) per week, except as otherwise provided herein. Compensation shall continue during disability, not, however, beyond three hundred (300) weeks.

In case the injured employee leaves the services of the employer for whom he was working at the time of the accident and



accepts employment elsewhere he shall make and furnish affidavit as to his new employment in the manner as required in subsection (b) of section 13 hereof.

(d) For permanent total disability as defined in subsection (e) below, fifty per centum of the average weekly earnings received at the time of the injury subject to a maximum compensation of twelve dollars (\$12.00) per week, except as otherwise provided herein, and a minimum compensation of five dollars (\$5.00) per week; provided that if at the time of injury the employee was receiving earnings of less than five dollars (\$5.00) per week, then he shall receive the full amount of his earnings per week. This compensation shall be paid during such permanent total disability, not exceeding five hundred and fifty (550) weeks; but in all such cases drawing more compensation than five dollars (\$5.00) per week, the payment after the first four hundred (400) weeks shall be reduced to five dollars (\$5.00) per week for the remainder of the five hundred and fifty (550) weeks, while the permanent total disability continues; payment to be made at the intervals when the earnings was payable as nearly as may be, provided, however, such payments with the approval of the circuit judge may be made monthly or quarterly. The total amount of compensation payable under this subsection shall not exceed five thousand dollars (\$5,000.00) in any case. Provided, however, that in case an employee who is permanently and totally disabled becomes an inmate of a public institution, then no compensation shall be payable unless he has wholly dependent on him for support a person or persons named in subsections (1), (2) and (3) of section 14 (whose dependency shall be determined as if the employee were deceased); in which case the compensation provided for in this subsection shall be paid for the benefit of such person so dependent, during dependency, in the manner ordered by the court, while the employee is an inmate of such institution.

(e) The total and permanent loss of the sight of both eyes, or the loss of both arms at the shoulder, or complete and permanent paralysis, or total and permanent loss of mental faculties, which totally incapacitates the employee from working at an occupation which brings him an income shall constitute permanent total disability.

(e) 1. If an employee has a permanent disability or has previously sustained another injury than that in which he received a subsequent permanent injury by accident such as is specified in the sections herein defining permanent injury he shall be entitled to compensation only for the degree of injury that would

have resulted from the latter accident if the earlier disability or injury had not existed.

(e) 1½. If an employee has previously lost the sight of one eye or lost one leg or lost one arm, and thereafter in the same employment or in the employment of another he should by accident receive additional injuries so as to proximately cause the loss of the sight of both eyes or the loss of both legs or the loss of both arms said employee shall receive three-fourths of the amount provided hereunder for one who has received a permanent total disability and there shall be credited on said three-fourths amount any payments which said employee had received or may receive for his first disability.

(e) 2. For permanent total disability other than as defined in subsection (e) fifty per centum of the average weekly earnings received at the time of injury subject to a maximum compensation of twelve dollars (\$12.00) per week and a minimum compensation of five dollars (\$5.00) per week; provided, that if at the time of injury the employee was receiving earnings of less than five dollars (\$5.00) per week, then he shall receive the full amount of his earnings per week. This compensation shall be paid during the period of such permanent disability not exceeding four hundred (400) weeks; payments to be made at the intervals when the earnings were payable as nearly as may be. Provided, however, such payments, with the consent of the circuit judge may be made monthly or quarterly.

(e) 3. If an employee received an injury for which compensation is payable while he is still receiving or entitled to compensation for a previous injury in the same employment, he shall not at the same time be entitled to compensation for both injuries, unless the latter injury be a permanent injury, such as specified in section 13; but he shall be entitled to compensation for that injury and from the time of that injury which will cover the longest period and the largest amount payable under this act.

(3) 4. If an employee receives a permanent injury as specified in section 13, after having sustained another permanent injury in the same employment, he shall be entitled to compensation for both injuries, but the total compensation shall be paid by extending the period and not by increasing the amount of weekly compensation, and in no case exceeding five hundred weeks.

When the previous and subsequent permanent injuries received in the same employment result in total disability compensation shall be payable for permanent total disability, but payments made for the previous injury shall be deducted from the total payment of compensation due.

(f) In case a workman sustains an injury occasioned by an accident proximately resulting from and while engaged in the actual performance of the duties of his employment and from a cause originating in such employment and during the period of disability caused thereby death results proximately therefrom, all payments previously made as compensation for such injury shall be deducted from the compensation, if any, due on account of death.

(f) 1. In all claims for compensation for hernia resulting from injury by an accident proximately resulting from and while engaged in the actual performance of the duties of his employment, and from a cause originating in such employment it must be definitely proved to the satisfaction of the court.

First:—That there was an injury resulting in hernia;

Second:—That the hernia appeared suddenly;

Third:—That it was accompanied by pain;

Fourth:—That the hernia immediately followed an accident;

Fifth:—That the hernia did not exist prior to the accident for which compensation is claimed.

All hernia, inguinal, femoral, or otherwise, so proved to be the result of an injury by accident arising out of and in course of the employment, shall be treated in a surgical manner by radical operation.

In case the injured employee refuses to undergo the radical operation for the cure of said hernia, no compensation will be allowed during the time such refusal continues. If, however, it is shown that the employee has some chronic disease, or is otherwise in such physical condition that the court considers it unsafe for the employee to undergo said operation, the employee shall be paid as otherwise provided herein.

(h) 1. Wherever in this section there is a provision for fifty (50) per centum such per centum shall be increased five (5) per centum for each totally dependent child of the employee under the age of eighteen years at the time of the injury to the employee until such per centum shall reach a maximum of sixty (60) per centum.

2. Wherever in this section a weekly maximum compensation of twelve (\$12.00) dollars is provided such maximum compensation shall be increased in the following cases to the following amounts:

Thirteen (\$13.00) dollars in case of an employee with one totally dependent child under the age of eighteen years at the time of the injury to the employee.

Fourteen (\$14.00) dollars in case of an employee with two totally dependent children under the age of eighteen years at the time of the injury to the employee.

Fifteen (\$15.00) dollars in case of an employee with three or more totally dependent children under the age of eighteen years at the time of the injury to the employee.

The increase in the above per centum and in the maximum amount shall be paid only so long as the child upon which the increase is based remain under the age of eighteen years.

(g) Compensation hereunder shall be computed on the basis of the average weekly earnings. 'Average weekly earnings' shall mean the earnings of the injured employee in the employment in which he was working at the time of the injury during the period of fifty-two weeks immediately preceding the date of the injury divided by fifty-two; but if the injured employee lost more than seven consecutive calendar days during such period although not in the same week, then the earnings for the remainder of such fifty-two weeks shall be divided by the number of weeks remaining after the time so lost has been deducted. Where the employment prior to the injury extended over a period of less than fifty-two weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed, provided results just and fair to both parties will thereby be obtained. Where by reason of the shortness of the time during which the employee has been in the employment of his employer, or the casual nature or terms of the employment, it is impracticable to compute the average weekly earnings as above defined, regard shall be had to the average weekly amount which during the fifty-two weeks prior to the injury was being earned by a person in the same grade, employed at the same work by the same employer, and if there is no such person so employed, by a person in the same grade employed in the same class of employment in the same district. Wherever allowance of any character made to an employee in lieu of wages are specified as part of the wage contract, they shall be deemed a part of his earnings.

14. Who are dependents, and allowances to each.—(1) Wife and children conclusively presumed wholly dependent; when.—For the purposes of this act the following described persons shall be conclusively presumed to be wholly dependent: (a) Wife, unless it be known that she was voluntarily living apart from her husband at the time of his injury or death or unless it be shown she was not married to the deceased at the time of the accident or for a reasonable period prior to his death, or unless it be shown that the husband was not in any way contributing to her support. (b) Minor children under the age of sixteen years.

(2) Prima facie presumption as to certain children.—Children between sixteen and eighteen years of age, or those over

eighteen, if physically or mentally incapacitated from earning, shall, *prima facie*, be considered dependent.

(3) Total dependents.—Wife, child, husband, mother, father, grandmother, grandfather, sister, brother, mother-in-law and father-in-law who were wholly supported by the deceased workman at the time of his death and for a reasonable period of time immediately prior thereto shall be considered his total dependents, and payment of compensation shall be made to them in the order named.

(A) Partial dependents.—Any member of a class named in subdivision (3), who regularly derived part of his support from the earnings of the deceased workman at the time of his death and for a reasonable period of time immediately prior thereto shall be considered his partial dependent, and payment of compensation shall be made to such partial dependents in the order named.

(4) In death cases where the death results proximately from the accident within three years, compensation payable to dependents shall be computed on the following basis and shall be paid to the persons entitled thereto without administration.

(5) If the deceased employee leave a dependent widow, or dependent husband and no dependent child, there shall be paid to the widow thirty per centum of the average weekly earnings of deceased.

(6) If the deceased employee leave a dependent widow or dependent husband and one dependent child, there shall be paid to the widow for the benefit of herself and such child forty per centum of the average weekly earnings of deceased.

(7) If the deceased employee leave a dependent widow or dependent husband and either two or three dependent children, there shall be paid to the widow for the benefit of herself and such children fifty per centum of the average weekly earnings of the deceased.

(8) If the deceased employee leave a dependent widow or dependent husband and four or more dependent children, there shall be paid to the widow for the benefit of herself and such children sixty per centum of the average weekly earnings of the deceased.

(8A) In all cases where compensation is payable to a widow for the benefit of herself and dependent child or children the court shall have power to determine in its discretion what portion of the compensation shall be applied for the benefit of any such child or children and may order the same paid to a guardian.

(9) In case of re-marriage of a widow of an employee who had dependent children, the unpaid balance of compensation,

which would otherwise become due to her, shall be paid to such children.

(10) If the deceased employee leave a dependent orphan, there shall be paid thirty per centum of the average weekly earnings of deceased, with ten per centum additional for each additional orphan with a maximum of sixty per centum of such wages.

(11) If the deceased employee leave a dependent husband and no dependent child, there shall be paid to the husband twenty-five per centum of the average weekly earnings of the deceased.

(12) If the deceased employee leave no widow or child or husband entitled to any payment hereunder, but should leave a parent or parents, either or both of whom are wholly dependent on the deceased, there shall be paid, if only one parent, twenty-five per centum of the average weekly earnings of the deceased, and if both parents, thirty-five per centum of the average weekly earnings of the deceased to such parent or parents.

(13) If the deceased leave no dependent widow or dependent child or husband or parent entitled to any payment hereunder, but leaves a grandparent, brother, sister, mother-in-law, or father-in-law wholly dependent on him for support, there shall be paid such dependent, if but one, twenty per centum of the average weekly earnings of the deceased, or if more than one, twenty-five per centum of the average weekly earnings of the deceased, divided between or among them share and share alike.

(14) If compensation is being paid under part 2 of this act to any dependent, such compensation shall cease upon the death or marriage of such dependent, and the dependency of a child shall terminate with the age of 18, unless otherwise provided herein.

(15) Partial dependents.—Partial dependents shall be entitled to receive only that proportion of the benefits provided for actual dependents which the average amount of the earnings regularly contributed by the deceased to such partial dependent, at and for a reasonable time immediately prior to the injury bore to the total income of the dependent during the same time.

(16) In all cases where death results to an employee caused by an accident proximately resulting from and while engaged in the actual performance of the duties of his employment and from a cause originating in such employment, the employer shall pay, in addition to the medical and hospital expenses provided for in section 18, the expense of last sickness, and burial, not exceeding in amount one hundred dollars (\$100.00), except in cases where an insurer of the deceased or a benefit association is liable therefor, or for a part thereof; in such case the employer shall not be

required to pay any part of such expense, for which such insurer or benefit association is liable unless such non-payment by the employer would diminish the benefits received by the dependent of deceased from any such insurer or benefit association. In case dispute arises as to the reasonable value of the services rendered in connection with the last sickness and burial, the same shall be approved by the court before payment, after such reasonable notice to interested parties as the court may require. If the deceased leaves no dependents no compensation shall be payable, except as provided by this subsection.

(17) Death compensation.—The compensation payable in case of death to persons wholly dependent shall be subject to a maximum compensation of twelve dollars (\$12.00) per week and a minimum of five dollars (\$5.00) per week; provided that if at the time of injury the employee receives earnings of less than five dollars (\$5.00) per week, then the compensation shall be the full amount of such earnings per week. The compensation payable to partial dependents shall be subject to a maximum of twelve dollars (\$12.00) per week and a minimum of five dollars (\$5.00) per week; provided that if the income loss of the said partial dependents by such death is less than five dollars (\$5.00) per week, then the dependents shall receive the full amount of their income loss. This compensation shall be paid during dependency not exceeding three hundred (300) weeks, payments to be made at the intervals when the earnings were payable as nearly as may be.

(18) In computing and paying compensation to orphans or other children, in all cases, only those under eighteen years of age, or those over eighteen years of age who are physically or mentally incapacitated from earning, shall be included; the former to receive compensation only during the time they are under eighteen, the latter for the time they are so incapacitated, within the period of three hundred (300) weeks.

(19) Total dependents shall be entitled to take compensation in the order named in subsection (3) above, until the per centum of the average weekly earnings of the deceased during the time and as specified in subsection (17) shall have been exhausted; but the total compensation to be paid to all total dependents of a deceased employee shall not exceed in the aggregate twelve dollars (\$12.00) per week, except as otherwise provided herein.

(20) If the degree or duration of disability resulting from an accident is increased or prolonged because of a pre-existing injury or infirmity the employer shall be liable only for the disability that would have resulted from the accident had the earlier injury or infirmity not existed.

Sec. 14 $\frac{1}{2}$ . In no case hereunder except as otherwise provided herein shall the compensation paid hereunder be more than twelve (\$12.00) dollars per week, nor (except as herein otherwise provided), less than five (\$5.00) dollars per week, and in no case shall the total amount of compensation exceed five thousand (\$5,000.00) dollars.

15. If compensation is being paid under this act to any dependent, such compensation shall cease upon the death or marriage of such dependent. Where compensation is being paid under this act to any dependent in no event shall such dependents receive ~~more than the proportion which the amount they received of the~~ deceased employee's income during his life bears to the compensation provided hereunder.

16. Liability of joint employers.—In case any employee for whose injury or death compensation is payable under part 2 of this act shall, at the time of the injury, be employed and paid jointly by two or more employers subject to this act, such employers shall contribute the payment of such compensation in the proportion of their several earnings liability to such employee. If one or more but not all of such employers should be subject to part 2 of this act, and otherwise subject to liability for compensation hereunder, then the liability of such of them as are so subject, shall be to pay the proportion of the entire compensation which their proportionate earnings liability bears to the entire earnings of the employee. Provided, however, that nothing in this section shall prevent any arrangement between such employers for a different distribution, as between themselves, of the ultimate burden of such compensation.

17. Waiting period.—In cases of temporary total or temporary partial disability no compensation shall be allowed for the first two weeks after injury received, except as provided by section 18, nor in any case unless the employer has actual knowledge of the injury or is notified thereof within the period specified in section 19. Compensation shall begin with the third week and in the event the disability from the injury exists for a period as much as four weeks compensation for the first two weeks after the injury shall be added to and payable with the first installment due the employee after the expiration of the four weeks.

18. Medical, surgical and hospital services.—In addition to the compensation herein provided, the employer shall pay the actual cost of reasonably necessary medical and surgical treatment and attention, medicine, medical and surgical supplies, crutches and apparatus, as may be obtained by the injured employee during the first sixty (60) days of disability (or in case of death within said sixty (60) days, obtained during the period



occurring between the time of the injury and his death therefrom.) Provided, however, that the total liability of the employer under this section shall not exceed the aggregate of one hundred dollars, and, further, that the pecuniary liability of the employer for such services rendered the employee shall be limited to such charges as prevail for similar treatment in the community where the injured employee resides. All cases of dispute as to the value of such services shall be determined by the tribunal having jurisdiction of the claim of the injured employee for compensation. And provided further, That, (except in an emergency it is necessary; or in the event medical and surgical service and attention is not readily obtainable, under contract for same; or the employer does not promptly furnish the same as hereinafter provided), if the employer shall furnish, free of charge to the injured employee, such medical and surgical treatment and attention, medical and surgical supplies, crutches and apparatus, he shall not be liable under this section, except for that he may fail to furnish; and provided, further, in the event the injured employee obtains the same under a contract between him and another (or the employer), existing at the time of the injury, the employer shall be liable to pay (or repay, as the case may be), only the cost of the same under the terms of said contract, but in no event to exceed the aggregate of one hundred dollars as hereinabove provided.

Provided, further, that the employer may, if he so elects, furnish proper and efficient medical and surgical treatment and attention and services herein provided for free of charge to the injured employee during such sixty (60) days or such time thereafter as he desires to furnish the same, and such employee shall accept the same.

The injured employee must submit himself to the examination by the employer's physician at all reasonable times if requested to do so by the employer, but the employee shall have the right to have a physician present of his own selection at such examination, in which case the employee shall be liable to such physician for his services. The employer shall pay for the services of the physician making the examination at the instance of the employer. And in case of dispute as to the injury, the court may, at the instance of either party or of its own motion, appoint a neutral physician of good standing and ability to make an examination of the injured person and report his findings to the court, the expense of which examination shall be borne equally by the parties. If the injured employee refuses to comply with any reasonable request for examination, or refuses to submit to medical and surgical treatment and attention or refuses to accept

the medical service which the employer elects to furnish under the provisions of this act, his right to compensation shall be suspended, and no compensation shall be due and payable while he continues such refusal.

Any physician whose services are furnished or paid for by the employer, or any physician of the injured employee, and who treats or makes or is present at any examination of an injured employee may be required to testify as to any knowledge by him in the course of such treatment or examination as same relates to the injury or disability arising therefrom.

~~In all death claims where the cause of death is obscure or is~~ disputed, any interested party may require an autopsy, the cost of which is to be borne by the party demanding the same.

19. Notice to employer of accident.—Every injured employee or his representative shall within five days after the occurrence of an accident give or cause to be given to the employer written notice of the accident and the employee, if he fails to give such notice, shall not be entitled to physicians or medical fees nor any compensation which may have accrued under the terms of this act, unless it can be shown that the party required to give such notice had been prevented from doing so by reason of physical or mental incapacity, other than minority, or fraud or deceit, or equal good reason, but no compensation shall be payable unless such written notice is given within ninety days after the occurrence of the accident, or where death results within ninety (90) days after the death.

20. Service and requisites of notice.—The notice referred to in section 19 may be served personally upon the employer, or upon any agent of the employer upon whom a summons may be served in civil action, or by sending it by registered mail to the employer at the last known residence or business place thereof within the State, and shall be substantially in the following form:

#### NOTICE.

You are hereby notified that an injury was received by (name) who was in your employ at (place) while engaged as (kind of work) under the superintendency of..... on or about the..... day of....., 19....., at about..... o'clock..... M., and who is now located at (give town, street and number) that so far as now known, the nature of the injury was..... and that compensation may be claimed therefor.

(Signed).....

(Giving address).....

Dated....., 19.....

But no variation from this form shall be material if the notice is sufficient to advise the employer that a certain employee, by name, received a specified injury in the course of his employment on or about a specified time, at or near a certain place specified.

20a. Limitations.—In case of personal injury all claim for compensation shall be forever barred unless within one year after the accident the parties shall have agreed upon the compensation payable under this act or unless within one year after the accident one of the parties shall have filed a verified complaint as provided in section 28 hereof. In case of death all claims for compensation shall be forever barred unless within one year after the death, when the death results proximately from the accident within three years, the parties shall have agreed upon the compensation under this act or unless within one year after such death one of the parties shall have filed a verified complaint as provided in section 28 hereof. Where, however, payments of compensation have been made in any case, said limitation shall not take effect until the expiration of one year from the time of the making of the last payment. In case of physical or mental incapacity, other than minority, of the injured person or his dependents to perform or cause to be performed any act required within the time in this section specified the period of limitation in any such case shall be extended to become effective one year from the date when such incapacity ceases.

21. (1) In case of a dispute between employer and employee or between the dependents of a deceased employee and his employer with respect to the right to compensation under this act or the amount thereof either party may submit the controversy to the circuit court of the county which would have jurisdiction of a civil case in tort between the same parties. Such controversy shall be heard and determined by such judge or judges of said court as would hear and determine a civil action between the same parties arising out of tort and in case there is more than one judge of such court such controversies shall be set and assigned for hearing under the same rules and statutes that civil actions in tort are set and assigned; such court is empowered to hear and determine such controversies in a summary manner, that the decision of the judge hearing the same shall be conclusive and binding between the parties, subject to the right of appeal in this act provided for. When willful misconduct on the part of the employee is set up by the employer, as it is provided for herein, the employer may, when appearing, demand a jury to hear and determine, under the directions of the court, the issues involved in this defense. If the employer fails to demand a jury upon appearing, the employee may demand a jury to try such issues

by filing his demand within five days after the appearance of the employer. When a jury is demanded by either party the court must submit the issue of fact as to willful misconduct set up by the employer to the jury, for a special finding of the facts subject to the usual powers of the court over verdicts rendered contrary to the evidence or the law, but the judge must determine all other questions involved in the controversy without a jury. Upon setting up such defense the employer must serve a copy of the plea or answer setting up the defense upon the employee or his attorney of record. For the purpose of hearing and determining controversies between employer and employee or the dependents of a deceased employee and the employer, arising under this act, the circuit court shall be deemed always in session.

(2) If at any time there are adverse claimants to compensation hereunder the employer in submitting said claim to said circuit court may suggest in writing said claimants and they shall be required to interplead and said court shall determine and decree to which claimant or claimants such compensation is justly due and said employer upon complying with the order of such judge shall be released from the claims of any other claimants thereto. From such decree any party aggrieved may by certiorari within 30 days thereafter appeal to the supreme court of Alabama.

22. Compensation for the death of an employee shall be paid only to dependents who at the time of the death of the injured employee were actually residents of the United States.

No right of action to recover damages for the death of an employee shall exist in favor or for the benefit of any person who was not a resident of the United States at the time of the death of such employee.

23. Payment in lump sum.—The amounts of compensation payable periodically hereunder, either by agreement of the parties, approved by the court, or by decision of the court, may be commuted to one or more lump sum payments, except compensation due for death or permanent total disability, or for permanent partial disability resulting from total loss of hearing or from the loss of an arm or a hand or a foot or a leg or an eye or of more than one such member. These may be commuted only with the consent of the circuit court.

In making such commutations, the lump sum payments shall, in the aggregate, amount to a sum equal to the present value of all future installments of compensation calculated on a six per cent. basis.

24. When compensation payable periodically may be modified.—All amounts paid by the employer and received by the em-

ployee or his dependents under settlements made under section 12b, shall be final; but the amount of any award payable periodically for more than six months may be modified as follows:

(a) At any time by agreement of the parties and approved by the court.

(b) If the parties cannot agree, then at any time after six (6) months from the date of the award an application may be made to the court by either party on the ground of increase or decrease of incapacity due solely to the injury. In such case the same procedure shall be followed as in section 28 in case of disputed claim for compensation.

25. Employer may pay award to trustee and be discharged.—At any time after the amount of any award has been agreed upon by the parties, or found and ordered by the court, a sum equal to the present value of all future installments of compensation calculated on a six per cent. basis, may (where death or the nature of the injury renders the amount of future payments certain) by leave of court, be paid by the employer to any savings bank or trust company of this State or any national bank doing business in this State to be approved and designated by the court, and such sum, together with all interest thereon, shall thereafter be held in trust for the employee or the dependents of the employee, who shall have no further recourse against the employer. The payment of such sum by the employer, evidenced by the receipts in duplicate of the trustee, one of which shall be filed with the probate judge of the county in which the injury or death occurred, and the other filed with the clerk of the circuit court, shall operate as a satisfaction of said award as to the employer. Payments from said fund shall be made by the trustee in the same amounts and at the same time as are herein required of the employer until said fund and interest shall be exhausted. In the appointment of the trustee, preference shall be given, in the discretion of the court, to the choice of the injured employee or the dependents of the deceased employee, as the case may be.

Provided, further, that in the event the right to receive compensation should terminate on account of death, becoming of age, or marriage or for any other cause as provided in this act the balance remaining in said bank or trust company after such termination shall be returned by them to the employer, his successors or assigns.

26. Remedy against default.—In all cases in which the award or judgment is payable in installments and default has been made in the payment of any installment, the owner or interested party may, upon the expiration of thirty days from said default and

upon five days' notice to the defaulting employer or defendant, move for a modification of the judgment or award by ascertaining the cash or present value of same, under the rule of computation contained in section 25, and upon which execution may issue unless the defaulting employer enter into a good and sufficient bond, to be approved by the circuit judge, securing the payment of all future installments, and forthwith pay all past due ones with interest thereon since due. Said bond to be recorded upon the minutes of the circuit court.

(27) Preference of right to compensation.—The right to ~~compensation and of compensation awarded~~ any injured employee or for death claims to his dependents shall have the same preference against the assets of the employer as other unpaid wages for labor; but such compensation shall not become a lien upon the property of third persons by reason of such preference.

Claims for compensation or awards, or judgments or agreements to pay compensation owned by an injured employee or his dependents shall not be assignable and shall be exempt from seizure or sale or garnishment for the payment of any debt or liability. There shall be no right to waive this exemption.

28. Procedure in case of dispute shall be as follows:—Either party to a controversy arising under this act may file a verified complaint in the circuit court of the county which would have jurisdiction of an action between the same parties arising out of tort which shall set forth the names and residence of the parties and the circumstances relating to the employment at the time of the injury with a full description of the injury, its nature and extent, the amount of the average earnings received by the employee which would effect his compensation under this act, the knowledge of the employer of the injury or the notice to him thereof, which must be of the kind provided for in this act, and such other facts as may be necessary to enable the court to determine what, if any, compensation the employee, or, in case of a deceased employee, his dependents, are entitled to under this act. The complaint shall be filed with the clerk of the court and upon service of such complaint, as hereinafter provided for, any judge of such court shall make an order fixing the time and place for the hearing thereof, which time shall be not less than thirty days after the service of summons to the employer as hereinafter provided for. Summons to answer such complaint shall be issued by the clerk, accompanied by a copy of the complaint, both of which shall be served by the sheriff upon the employer. Within five days prior to the date fixed for the hearing of the controversy the employer shall file a verified answer to the complaint setting up the facts which he relies on in defense thereof.

"At the time fixed for hearing, or any adjournment thereof, the court shall hear such witnesses as may be presented by each party, and in a summary manner without a jury, unless one is demanded to try the issue of willful misconduct on the part of the employee decide the controversy. This determination shall be filed in writing with the clerk of the said court, and judgment shall be entered thereon in the same manner as in causes tried in the said circuit court, and shall contain a statement of the law and facts and conclusions as determined by said judge. Subsequent proceedings thereon shall only be for the recovery of moneys thereby determined to be due, provided that nothing herein contained shall be construed as limiting the jurisdiction of the supreme court or court of appeals to review questions of law by certiorari. Costs may be awarded by said court in his discretion, and when so awarded the same costs shall be allowed, taxed and collected as for like services and proceedings in civil cases, provided that if it shall appear that the employer, prior to the commencement of the action, made to the person or persons entitled thereto a written offer of compensation in specific terms, which terms were in accordance with the provisions of this act, then no costs shall be awarded or taxed against such employer. Whenever any decision or order is made and filed by the court upon any matter arising under part 2 of this act, the clerk of the court shall forthwith make and forward to the judge of probate of the county in which the complaint was filed a certified copy of such decision or order with any memorandum of the judge and of any judgment entered. No fee or other charge shall be collected therefor. Provided, the plaintiff or owner of any judgment so certified may have the same registered by the probate judge upon the payment of the fee now fixed by law for registering judgments, and the same shall become a lien in like manner as other registered judgments, unless the same is made a preferred lien by other provisions of some law. When the judgment, however, is for a sum not due, that is payable periodically, the defendant may discharge the registered lien by giving a bond for the payment of same to be approved by the probate judge and recorded and for which he shall receive the same fee for registration, and provided further, that no executing shall issue where such judgment is payable periodically unless default is made in the payment of one or more of said periodically payments.

28A. Any judgment rendered under the provisions of this act, either by award or by settlement, and entered on the minutes of any court shall be by said court discharged and marked satisfied upon presentment to said court or the clerk thereof of a release or discharge of said judgment executed by the party in

whose favor the same runs, and acknowledged in the same manner as conveyances are acknowledged, or, upon presentment by the employer or his representative, of an affidavit that said judgment has been in accordance with its terms fully satisfied and discharged, together with satisfactory proof in the way of vouchers or checks duly endorsed by the party in whose favor said judgment ran.

29. Rights of action preserved.—Every right of action for death by wrongful act or for injury by negligence accruing to an injured employee prior to the taking effect of this act is continued and preserved under the existing law.

30. Employer given right to insure risks; conditions.—Every employer who accepts the provisions of this act relative to the payment of compensation may at his option insure and keep insured his liability thereunder in some insurance corporation, association, organization or insurance association or corporation or association formed of employers and workmen or formed by a group of employers to insure the risks under part two of this act operating by the mutual assessment or other plans or otherwise, provided, such insurance association, organization or corporation shall have first had its contract and plan of business approved in writing by the commissioner of insurance of Alabama and have been authorized by said insurance commissioner to transact the business of workmen's compensation insurance in this State and under such charter or plan. Those writing such insurance shall in every case be subject to the conditions of this section hereinafter named. Nothing herein contained shall prevent an employer from insuring only a particular class or classes of employees or class, form or kind of risks, all or any part thereof, or from limiting such insurance either as to maximum or taking out insurance policies with such other limitations as are authorized by law, or from carrying catastrophe insurance.

Such policies shall contain a clause to the effect that as between the workman and the insurer, notice to and knowledge by the employer of the occurrence of the injury shall be deemed notice and knowledge on the part of the insurer; that jurisdiction of the employer for the purposes of this act shall be jurisdiction of the insurer, and that the insurer will in all things be bound by and subject to the awards, adjudgment or judgment rendered against such employer upon the risks so insured.

Such policies must provide that the workman shall have an equitable lien upon any amount which shall become owing on such policy to the employer from the insurer, and in case of the legal incapacity or inability of the employer to receive the said amount and pay it over to the workman or dependents, the said



insurer will pay the same direct to the said workman or dependents, thereby discharging all obligations under the policy to the employer and all of the obligations of the employer and the insurer to the workman; but such policies shall contain no obligations relieving the insurance company from payment when the employer becomes insolvent or discharged in bankruptcy or otherwise, during the period the policy is in force, if the compensation remains owing.

The insurer must be one authorized by law to conduct such business in the State of Alabama, and authority is hereby granted to all insurance companies writing such insurance to include in their policies, in addition to the requirements now provided by law, the additional requirements, terms and conditions in this section provided.

Every insurance corporation, mutual corporation, reciprocal exchange or association authorized to transact the business of workmen's compensation insurance in this State and which insures employers against liability for compensation under the provisions of this act shall file with the insurance commissioner its classification of risks and premiums relating thereto and any subsequent proposed classification of risks and premiums, together with the basic and (or) merit rating and schedules, if a system of schedule-rating or merit rating be in use, none of which shall take effect until the insurance commissioner shall have approved the same as reasonable, adequate and not excessive. And within ten days after such approval of said rates, schedules and system of schedule or merit rating by said insurance commissioner, he shall make or cause to be made, a sufficient number of printed or typewritten copies of same, for such purpose, and shall mail at least one copy of each of same to every insurance carrier writing workmen's compensation business in the State of Alabama, at its last address, or at the last address of its designated agent to receive the same, left in writing by such carrier with said insurance commissioner.

And every such insurance carrier shall (or if such insurance carrier be a member of, or associated with a rating or inspection bureau, either or both of them, or a concern or aggregation of like character, it shall cause such rating and inspection bureau, either or both, or concern or aggregation of like character with which it is affiliated to do so) file with the insurance commissioner a full and complete statement of the actuarial and underwriting experience, data and the like in its possession, from which and upon which said rates, schedules and systems so filed were ascertained, calculated and constructed, and within six months after the expiration of each succeeding six months, file a like

statement of all actuarial and underwriting data and the like, pertaining to such rates, schedules and system, accumulated or acquired by it during the preceding six months. Upon failure to file said statement within the time specified above, said rates, schedules or systems may be presumed by the insurance commissioner, without more, to be excessive, unreasonable or inadequate to prove the necessary reserves, or discriminatory, as the case may be. The insurance commissioner may withdraw his approval of any premium rate or schedule made by any such insurance corporation, association, mutual corporation or reciprocal exchange if in his judgment such premium rate or schedule is excessive or unreasonable or discriminatory or is inadequate to provide the necessary reserves.

Nothing in this act contained or in any other law of this State shall affect the right of any insurance corporation or any mutual or reciprocal insurance corporation or association to issue participating policies or contracts and to pay savings, refunds or dividends upon such policies or contracts.

No agreement by an employee to pay to an employer any portion of the cost of insuring his risk under this act shall be valid unless such agreement between the employer and employee the plan of which is part of a contract approved in writing by the commissioner of insurance of the State of Alabama. But it shall be lawful for the employer and the workman to agree to carry the risks covered by part 2 of this act in conjunction with other and greater risks and providing other and greater benefits such as additional compensation, accident, sickness or old age insurance or benefits, and the fact that such plan involves a contribution by the workman shall not prevent its validity of such plan has been approved in writing by the commissioner of insurance of Alabama. Any employer who shall make any charge or deduction prohibited by this section shall be guilty of a misdemeanor.

If the employer shall insure to his employees the payment of the compensation provided by part 2 of this act and according to the full benefits thereof and with full valuage under this act in a corporation or association authorized to do business in the State of Alabama and approved by the commissioner of insurance of the State of Alabama, and if the employer shall post a notice or notices in a conspicuous place or in conspicuous places about his place of employment, stating that he is insured and by whom insured, and if the employer shall further file a copy of such notice with the commissioner of insurance, then, and in such case, any suits or actions brought by an injured employee or his dependents shall be brought directly against the insurer, and the employer or insured shall be released from any further liability.

Provided, that in case of insolvency or bankruptcy of such insurance company, or in case it cannot be reached by due diligence by process in this State, the employer shall not be released from liability under the provisions of this act, and provided further, that should any recovery be had in excess of the amount of the insurance carried the employer shall be liable for such excess.

The return of any execution upon any judgment of an employee against any such insurance company unsatisfied in whole or in part shall be conclusive evidence of the insolvency of such insurance company for the purpose of this act and in case of the adjudication of bankruptcy or insolvency of any such insurance company by any court of competent jurisdiction, proceedings may be brought by the employee against the employer in the first instance or against such employer and insurance company jointly or severally or in any pending proceeding against any insurance company, the employer may be joined at any time after such adjudication.

31. Third persons' rights and liabilities.—(1) Any person who creates or carries into operation any fraudulent scheme, artifice or device to enable him to execute work without himself being responsible to the workman for the provisions of this act, shall himself be included in the term "employer," and be subject to all the liabilities of employers under this act. But this section shall not be construed to cover or mean an owner who lets a contract to a contractor in good faith, nor to a contractor who, in good faith, lets to a subcontractor a portion of his contract. Provided, however, that no person shall be deemed a contractor or subcontractor, so as to make him liable to pay compensation within the meaning of this section, who performs his work upon the employers' premises, and with the employers' tools or appliances and under the employers' direction; nor one who does what is commonly known as "piece work," or in any way where the system of employment used merely provides a method of fixing the workman's wages.

(2) When compensation is claimed from, or proceedings taken against, a person under subdivision 1 of this section, the compensation shall be calculated with reference to the wage the workman was receiving from the person by whom he was immediately employed at the time of the injury.

(3) The employer shall not be liable or required to pay compensation for injuries due to the acts or omissions of third persons not at the time in the service of the employer, nor engaged in the work in which the injury occurs, except as provided in section 32.

32. Liability of party other than employer; procedure.—(1) Third party under part 2. That where an injury or death for which compensation is payable under part 2 of this act is caused under circumstances also creating a legal liability for damages on the part of any party other than the employer, such party also being subject to the provisions of part 2 of this act, the employee in case of injury, or his dependents in case of death, may, at his or their option, proceed either at law against such party to recover damages, or against the employer for compensation under part 2 of this act, but not against both.

If the employee, in case of injury, or his dependents in case of death, shall bring an action for the recovery of damages against such party other than the employer or his insurance carrier, the amount thereof, manner in which and the persons to whom the same are payable, shall be as provided for in part 2 of this act and not otherwise; provided, that in no case shall such party be liable to any person other than the employee or his dependents for any damages growing out of or resulting from such injury or death.

If the employee or his dependents shall elect to receive compensation from the employer, then the latter or his insurance carrier shall be subrogated to the right of the employee or his dependents to recover against such other party, and may bring legal proceedings against such party and recover the aggregate amount of compensation payable by him to such employee, or his dependents hereunder, together with the costs of such action and reasonable attorney's fees expended by him herein.

(2) Third party not under part 2.—That where the injury or death for which compensation is payable under part 2 of this act was caused under circumstances also creating a legal liability for damages on the part of any party other than the employer, such party not being subject to the provisions of part 2 of this act, legal proceedings may be taken by the employee or dependents against such other party to recover damages, notwithstanding the payment by the employer, or his liability to pay compensation hereunder. But in such case, if the action against such other party is brought by the injured employee, or in case of his death by his dependents, and judgment is obtained and paid, or settlement is made with such other party, either with or without suit, the employer shall be entitled to deduct from the compensation payable by him the amount actually received by such employee or his dependents; provided, that if the injured employee, or in case of his death his dependents, shall agree to receive compensation from the employer or shall institute proceedings to recover the same, or accept from the employer any payment on

account of such compensation, such employer or his insurance carrier shall be subrogated to all the rights of such employee, or dependents, and may maintain, or in case an action has already been instituted, may continue the action either in the name of the employee or dependents, or in his own name against such other party for the recovery of damages, but such employer shall nevertheless pay over to the injured employee or dependents all sums collected from such other party by judgment or otherwise in excess of the amount of such compensation payable by the employer under part 2 of this act, and costs, attorney's fees, and reasonable expenses incurred by such employer in making such collection or enforcing such liability; provided, that in no case shall such party be liable to any person other than the employee or his dependents for any damages growing out of or resulting from such injury or death.

33. It shall be the duty of the chief justice of the supreme court of Alabama, from time to time as he deems it necessary, to prepare uniform rules for the circuit judges and circuit courts, which may be necessary for carrying out the provisions of this act, including such forms for orders and decrees as said chief justice of the supreme court of Alabama deems best, such rules and forms when so prepared and promulgated by the chief justice of the supreme court of Alabama shall be followed and used by the said judges and courts.

33a. For the purposes of gathering statistics and performing the duties hereinafterwards required there is hereby created an office known and designated as the compensation commissioner of the State of Alabama. The director of the department of archives and history of the State of Alabama shall be ex-officio the compensation commissioner of the State of Alabama.

34. The compensation commissioner of the State of Alabama shall prepare and cause to be printed, at the expense of the State and to be paid for as other supplies are paid for, and upon request furnish free of charge to any employee or employer such blank forms and literature as he shall deem requisite to facilitate or promote the efficient administration of this act other than the papers relating to court proceedings, which as set forth in section 33 are to be prepared by the chief justice of the supreme court of Alabama.

35. Every employer shall hereafter keep a record of all injuries, fatal or otherwise, for which compensation is claimed or paid, received by his employees in the course of their employment, on blanks approved by the compensation commissioner of the State of Alabama. Within fifteen days after the occurrence and knowledge thereof by the employer of an injury to an employee

causing his absence from work for more than fourteen days, for which compensation is claimed or paid, a report shall be made in writing and mailed to the compensation commissioner of the State of Alabama on blanks to be procured from such commissioner for this purpose.

36. Such employer shall within ten days after the settlement of any cause make a report in writing giving the details of such settlement and mail the same to the compensation commissioner of Alabama on blanks to be procured from the commissioner for such purpose.

37. The clerk of the circuit court shall within ten days after ~~the disposition of any case in his court make a report in writing,~~ giving the details of such disposition, and mail the same to the compensation commissioner of Alabama on blanks to be procured from the commissioner for such purpose.

38. Upon the termination of the disability of the injured employee or if the disability extends beyond a period of 60 days then also at the expiration of such period the employer shall make a supplementary report to the compensation commissioner of the State of Alabama on blanks to be procured from the commissioner for such purpose.

39. It shall be the duty of the compensation commissioner of the State of Alabama, from the records of the insurance commission of Alabama and from the reports furnished to him and from such other information as he may obtain, to prepare and submit to the next regular session of the Legislature of Alabama upon its convening a detailed and statistical report showing the results, as fully as the same can be shown, of the operation of this act, the number of employers carrying their own insurance, the number of employers insuring their risks with insurance companies, the number of insurance companies, associations, or corporations engaged in the business of workmen's compensation insurance in the State of Alabama, the extent of such business, the premium rates charged therefor and a comparison of such premium rates with rates charged in other states, and with such recommendations as he desires to make in reference to the amendment or improvement of this act. For preparing said report, printing the same and furnishing same such compensation commissioner shall be paid out of the State treasury the necessary reasonable expense therefor and in addition such sum of money as may be approved by the governor of the State of Alabama for his services.

40. Penalties.—(1) Whoever makes in the verified complaint in section 28 hereof provided for or in any claim for compensation hereunder any statement knowing it to be false shall be guil-

ty of perjury and must on conviction be imprisoned in the penitentiary for not less than three nor more than twenty years.

(2) Any person entitled to compensation under this act whose compensation by the terms of this act ceases upon marriage or upon his becoming over the age of eighteen years, or for any other cause herein provided for, knowingly accepts any payments or compensation after marriage or after he becomes over eighteen years of age or after the disability for which he is receiving compensation has ceased, shall be guilty of a misdemeanor and on conviction may be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months and must also be find not more than five hundred dollars.

(3) Any person knowingly guilty of doing an act amounting to fraud in making or perfecting a settlement under the authority of this act, or by means of fraudulent representations obtaining a settlement from any employee shall be guilty of a misdemeanor and on conviction may be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months and must also be fined not more than five hundred dollars.

(4) Any person who knowingly presents a false or fictitious claim of injury for compensation hereunder or who aids or assists in the presentment of such false or fictitious claim, knowing the same to be false or fictitious, shall be guilty of a misdemeanor and on conviction may be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months and must also be fined not more than five hundred dollars.

(5) Any person upon any hearing before the judge of the circuit court or before the circuit judge in reference to any compensation claimed or paid hereunder who knowingly testifies falsely as to any material fact shall be guilty of perjury and must on conviction be imprisoned in the penitentiary for not less than three nor more than twenty years.

(6) Any physician who makes any statement or certificate as to any compensation claimed or paid hereunder knowing it to be false shall be guilty of a misdemeanor and on conviction may be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months and must also be fined not more than five hundred dollars.

(7) Any attorney who in person solicits employment to collect for a consideration any claim of any employee for compensation hereunder or solicits for a consideration employment to defend such claims or who knowingly accepts such claim after it has been solicited by some other person or who employes any other person for the purpose of soliciting or obtaining such claim

or claims, shall be guilty of a misdemeanor and on conviction may be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months and must also be fined not more than five hundred dollars. Any attorney convicted hereunder must be removed and disbarred from the practice of law in this State and the record of his conviction is conclusive evidence thereof. The commission by any attorney of any of such acts shall also be a cause for the removal and disbarment of such attorney.

(8) Any person who is not authorized by law to practice the ~~profession of law within this State who solicits for a consideration or traffics in for a consideration or represents for a consideration any claimant, claimants or claim for compensation hereunder~~ shall be guilty of a misdemeanor and on conviction may be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months and must also be fined not more than five hundred dollars.

(9) Whoever makes in any affidavit required to be filed hereunder any statement knowing it to be false shall be guilty of perjury and must on conviction be imprisoned in the penitentiary for not less than three nor more than twenty years.

(10) Any insurance corporation, organization or association, or any officer, employee or agent of such insurance corporation, organization or association, who solicits or writes any workmen's compensation insurance in this State without complying with the law as herein set forth in reference to filing with the insurance commissioner its classifications of risks and premiums relating thereto or without having received from said insurance commissioner approval of its plan of business or who fails to comply with any other requisites herein set out for the doing of such insurance business in the State of Alabama, shall be guilty of a misdemeanor and on conviction may be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months and must also be fined not more than five hundred dollars.

(11) Any person required hereunder to make reports in writing who willfully fails to make such reports shall be guilty of a misdemeanor and on conviction may be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months and must be fined not more than five hundred dollars.

(12) Any person other than a beneficiary under this act who for a consideration takes or accepts from an employee an assignment of his claim or award or judgment for, or agreement to pay, compensation or who accepts or takes same as security for a loan



or a debt or who takes a power of attorney to collect the same, retaining any interest in the amount to be collected, shall be guilty of a misdemeanor and on conviction may be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months and must also be fined not more than five hundred dollars.

36. Words and phrases defined.—Throughout this act the following words and phrases as used therein shall be considered to have the following meaning respectively, unless the context shall clearly indicate a different meaning in the connection used.

(a) The word "compensation" has been used both in part 1 and part 2 of this act to indicate the money benefits to be paid on account of injury or death. Strictly speaking, the benefit which an employee may receive by action at law under part 1 of this act in damages, and this is indicated in section 1. To avoid confusion, the word "compensation" has been used in both parts of the act, but it should be understood that under part 1 the compensation by way of damages is determined by an action at law.

(b) "Child" or "children" include posthumous children and all other children entitled by law to inherit as children of the deceased, also step-children who were members of the family of the deceased at the time of his accident and dependent upon him for support.

(c) A dependent child or orphan shall be considered to mean an unmarried child under the age of eighteen years, or one over that age who is physically or mentally incapacitated from earning.

(d) The term "employer" as used herein shall mean every person not excluded by section 8, who employs another to perform a service for hire and to whom the "employer" directly pays wages, and shall include any person or corporation, co-partnership, or association or group thereof, and shall if the employer is insured include his insurer as far as applicable and shall not include one who employs a less number than nine in any one business.

(e) The term "physician" shall include "surgeon," and in either case shall mean one authorized by law to practice his profession within one of the United States and in good standing in his profession at the time.

(f) The term "workman" shall include the plural and all ages and both sexes.

(g) The term "employee" and "workman" are used interchangeably and have the same meaning throughout this act, and shall be construed to mean:

(h) The terms "wages," "weekly wages" and such expressions shall in all cases, unless the context clearly indicates a different meaning, be construed to mean "average weekly earnings."

(2) Every person not excluded by section 8, in the service of another under any contract of hire, express or implied, oral or written, including aliens, and also including minors who are legally permitted to work under the laws of the State. Any reference herein to a workman or employee shall, where the employee is dead include a reference to his dependents as herein defined if the context so require.

(i) The word "accident" as used in the phrases "personal injuries due to accident" or "injuries or death caused by accident" in this act shall, unless a different meaning is clearly indicated by the context, be construed to mean an unexpected or unforeseen event, happening suddenly and violently, with or without human fault, and producing at the time injury to the physical structure of the body, by accidental means.

(j) Personal injuries, etc.—Without otherwise affecting either the meaning or interpretation of the abridged clause, injuries by an accident proximately resulting from and while engaged in the actual performance of the duties of his employment, and from a cause originating in such employment, it is hereby declared:

Not to cover workmen except while engaged in, on, or about the premises where their services are being performed, or where their service requires their presence as a part of such service at the time of the accident, and during the hours of service as such workmen, and shall not include an injury caused by the act of a third person or fellow employee intended to injure the employee because of reasons personal to him, and not directed against him as an employee, or because of his employment, and it shall not include a disease unless the disease results proximately from the accident.

(k) Wherever in this act the singular is used, the plural shall be included; where the masculine gender is used, the feminine and neuter shall be included.

(l) Amputations.—Amputations between the elbow and the wrist shall be considered as the equivalent to the loss of a hand, and amputation between the knee and the ankle shall be considered as the equivalent of the loss of a foot.

(m) "The court" as used herein shall mean the circuit court which would have jurisdiction in an ordinary civil case involving a claim for the injuries or death in question, and "the judge" shall mean a judge of said court.

(n) As to constitutionality.—In case for any reason any paragraph or any provision of this act shall be questioned in any court of last resort and shall be held by such court to be unconstitutional or invalid, the same shall not be held to affect any other paragraph or provision of this act, except that parts 1 and 2 are hereby declared to be inseparable, and if either part be declared void or inoperative in an essential part, so that the whole of such part must fall, the other part shall fall with it and not stand alone. Part 1 of this act shall not apply in cases where part 2 becomes operative in accordance with the provisions thereof, but shall apply in all other cases, and in such cases shall be in extension or modification of the common law.

36½. For the purposes of reference in other statutes and in court proceedings this act may be, with legal effect, referred to as the "Workmen's Compensation Act."

37. Repealing clause.—All laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

38. When effective.—This act shall take effect from and after the first day of January, 1920; provided, that those sections of the act which provide for the making and issuance of forms shall take effect on the first day of December, 1919.

Which was adopted.

Yeas, 26; Nays, 1.

*Yeas:*

Messrs:

Acker	Cowan	Leith	Rogers (Lauderdale)
Beale	Craft	Miller	Sims
Bedsole	Ellis	Moore	Smith (Coosa)
Brown	Espy	Morris	Smith (Lawrence)
Butler	Harper	McDowell	Tally
Carlton	Huddleston	Phillips	West
Carmichael	Kelly		

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*Nays:*

Mr. Prestwood—1.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 2.

*Yeas:*

Messrs:

Acker	Cowan	Leith	Rogers (Sumter)
Beale	Craft	Miller	Sims
Bedsole	Ellis	Moore	Smith (Coosa)
Brown	Espy	Morris	Smith (Lawrence)
Butler	Gunter	McDowell	Tally
Carlton	Harper	Phillips	West
Carmichael	Kelly	Rogers (Lauderdale)	

Nays:

Messrs:

Huddleston

Prestwood

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#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 12. To amend an act entitled "An act to amend section 3317 of the Code of Alabama, 1907."

H. 214. To provide for certain towns in the State of Alabama ~~after they have voted a three-mill tax to control their own public schools by a board of education, elected or appointed by the town council.~~

H. 104. To repeal section 6698 of the Code of Alabama of 1907, and to make clerks of the circuit courts of the respective counties ex-officio clerks of the county courts of said counties; to provide payment for services of such clerks, manner of payment and to provide for a bond as such clerk.

And sends same to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read one and referred to appropriate standing committees as follows:

H. 12. To the Committee on Finance and Taxation.

H. 214. To the Committee on Education.

H. 104. To the Committee on Judiciary.

#### APPOINTMENT OF WHITE-HOUSE COMMITTEE.

Pursuant to Senate joint resolution number 87, heretofore adopted, providing for a committee of two from the Senate and three from the House, to delay the obliteration of the white house of the Confederacy until the Legislature of Alabama could make appropriation for the permanent preservation thereof, the President and presiding officer of the Senate appointed as members from the Senate on said committee, Messrs. Gunter and Briscoe.

#### ADJOURNMENT.

At 4 o'clock P. M., on motion of Mr. Acker, the Senate adjourned until 11 o'clock tomorrow morning, July 17th, 1919.

## TWENTY-SIXTH DAY.

Thursday, July 17, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

## PRAYER.

By Rev. Dr. Barnett of Birmingham.

## ROLL CALL.

## Present:

Mr. President and

Messrs:

Acker	Cowan	Huddleston	Prestwood
Baker	Craft	Kelly	Rogers (Lauderdale)
Beale	Ellis	Leith	Rogers (Sumter)
Bedsole	Espy	Miller	Sims
Briscoe	Evins	Moore	Smith (Coosa)
Brown	Griffith	Morris	Smith (Lawrence)
Butler	Gunter	McDowell	Tally
Carlton	Harper	Phillips	West
Carmichael			

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## JOURNAL.

On motion of Mr. Bedsole the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. McDowell:

S. 335. To permit all persons being tried for misdemeanor cases, to have the right to be tried by jury.

Judiciary.

By Mr. Baker:

S. 336. To provide for the election of a county solicitor in all counties in Alabama having a population of not less than 30,800 and not more than 30,900, according to the Federal census of 1910, to fix his term of office and compensation, and prescribe his qualifications and duties.

Revision of Laws.

By Mr. Phillips:

S. 337. To amend an act entitled an act to amend section 1355 of the Code of 1907, approved September 15, 1915.

Education.

By Mr. Evins:

S. 338. To give a right of action in favor of any party to whom an abusive, obscene or insulting letter or other written or printed communication is sent, against the writer and sender thereof, whether any publication thereof has been made or not, and to provide for the recovery of damages in such action.

Judiciary.

Also:

S. 339. To regulate the recovery of punitive damages in certain civil actions and to provide for the disposition of the same.

Judiciary.

#### BILLS RETURNED AND RE-REFERRED.

Mr. Butler, chairman of the Standing Committee on Finance and Taxation, returned to the Senate:

S. 157. To repeal an act entitled "An act to limit costs in civil suits other than unlawful detainer suits involving not more than fifty (\$50.00) dollars, brought or instituted in inferior courts located or established in counties having a population of not less than 80,000 or more than 100,000, according to the last Federal census or any subsequent Federal census," approved September 17, 1915.

And moved that said bill be re-referred to the Standing Committee on Revision of Laws, which motion prevailed, and the President of the Senate re-referred said bill to the Standing Committee on Revision of Laws.

Mr. Carmichael, chairman of the Standing Committee on Education, returned to the Senate:

S. 209. To amend section twenty-seven (27) of an act entitled an act to provide for the assessment, valuation and equalization of values of real and personal property for taxation, and for this purpose to create a State board of equalization, to prescribe the powers and duties of said boards, to create a board of equalization for each county, and to prescribe the powers and duties of said boards, to provide for the collection of taxes, the sale of property for taxes, the redemption from such sales, to further provide for the general revenues, abolish the State tax commission, and to transfer all of its powers, authority and jurisdiction and all proceedings pending for assessment and collection of taxes, and to repeal all laws in conflict with this act, approved September 14th, 1915.

With a request that same be re-referred to the Standing Committee on Finance and Taxation, which request prevailed and said bill was re-referred by the President of the Senate to the Standing Committee on Finance and Taxation.

## REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Prestwood:

S. 329. To provide for and fix the compensation to be allowed the sheriff and circuit clerk of Covington county for all official duties for the compensation of which no express provision is made by law; and to provide how the court of county commissioners of Covington county shall fix and allow said compensation and to regulate the same; to provide for the repeal of all laws, local, special or general in conflict therewith insofar as they relate to the compensation of the sheriff and circuit clerk of Covington county.

By Mr. Acker:

S. 317. To amend section 5757 of the Code of 1907.

By Mr. Acker:

S. 282. To amend an act entitled "An act to authorize the recording of affidavits relating to lands in certain instances, and to make said affidavits, or certified copies of the records thereof, evidence sufficient prima facie to establish the facts therein recited."

By Mr. Evins:

S. 271. To provide for notice to the plaintiff of the filing of pleas of set-off, recoupment or any other plea upon which a judgment by default may be taken, and to regulate the taking of judgments by default on such pleas.

By Mr. McDowell:

S. 259. To require the several counties in this State to be liable for injuries received by persons or property injured by any defects upon any bridge on the public highways of this State, regardless of whether the said bridge was erected by the county, or by a contractor for the county.

By Mr. McDowell:

S. 258. To authorize the equity courts in this State to correct errors in the description of lands sold by any decree of the equity courts in this State.

By Mr. McDowell:

S. 257. To permit defendants in misdemeanor cases to waive trial before the court wherein the proceedings are pending, and to submit the investigation of the case to the grand jury at the next session.

By Mr. McDowell:

S. 256. To provide bail pending an appeal in all felony cases where the defendant is sentenced to the penitentiary for a term of ten years or less.

By Mr. McDowell:

S. 254. To amend section 3746 of the Code of Alabama of 1907.

By Mr. West:

S. 239. To amend section ten (10) of an act approved September 25, 1915, and entitled "An act to provide for the appointment of an official court reporter by each circuit judge in Alabama; to fix their compensation, define their duties and provide for special reporters in certain cases."

By Mr. West:

S. 238. To provide for and regulate the use of grand and petit juries for the criminal divisions of all circuit courts of this State, holding at the county site, in all circuits which now are or may hereafter be composed of only one county and in which there are now or may hereafter be provided more than three judges, independent of and separate and apart from the juries for the other divisions of such courts, and to regulate the transfer of juries from civil to criminal divisions thereof, and from criminal to civil divisions thereof.

By Mr. Sims:

S. 231. To provide for a judge of the county court, fix his compensation, provide for a clerk of such court and fix his compensation, and also fix the compensation of the sheriff for services in such court in all counties having a population of more than 37,900 and less than 38,000 according to the Federal census of 1910 and to provide for the payment of the same.

Also:

S. 228. To amend section 6918 of the Code of Alabama.

Also:

S. 226. To amend chancery rule 2, on page 1529 of the Code of Alabama of 1907.

Also:

S. 225. To amend subdivision one of section 3074 of the Code of Alabama of 1907.

By Mr. Acker:

S. 331. To amend section 4898 of the Code of 1907.

By Mr. Sims:

S. 227. To repeal an act entitled "An act to amend section 4648 of the Code of Alabama of 1907," approved August 5th, 1915.



Mr. Miller, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Carmichael:

S. 293. To amend section 928 of the Code of Alabama of 1907.

By Mr. Bedsole:

S. 248. To amend section 6112 of the Code of 1907.

By Mr. Stoddard:

H. 288. To amend section 6230 of the Code of Alabama of 1907.

Mr. Butler, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Acker:

S. 223. To fix the salary of the judge of the county court in all counties having a population of not less than thirty-nine thousand one hundred ten (39,110) and not more than thirty-nine thousand two hundred (39,200) according to the Federal census of 1910 and provide for the payment of the same.

By Mr. Huddleston:

S. 319. To amend section 153 of the Code of 1907.

By Mr. McDowell:

S. 255. To exempt Confederate soldiers from paying a license tax on business conducted by them personally in the State of Alabama.

By Mr. Ellis of Dallas:

S. 270. To authorize the court of county revenues of Dallas county to issue interest bearing warrants or certificates to holders of claims against Dallas county contracted prior to July, 1918, and ratifying and confirming the action of said court of county revenues in authorizing the issuance of certain interest bearing warrants prior to July 1st, 1918, and validating the warrants issued for certain purposes.

By Mr. Prestwood:

S. 245. To repeal an act entitled "An act to provide for and regulate the compensation of State witnesses in all courts of record for Covington county, exercising criminal jurisdiction and to provide for the payment of same," approved August 20th, 1915.

By Mr. Benners:

H. 267. To fix the license tax to be paid by emigrant or labor agents and to regulate their business.

Mr. Briscoe, chairman of the Standing Committee on Penitentiary, Prison and Prison Punishment, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Prestwood:

S. 244. To repeal an act entitled "An act to make mandatory the working of the male county convicts of Covington county on the public roads, bridges and public works of said county, and providing therefor." approved Sept. 10th, 1915.

By Mr. Bealle:

S. 237. To change the name of the Mount Vernon Hospital to that of "The Searcy Hospital."

Mr. Carmichael, chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 314. To provide for instruction in regard to the humane protection of animals in the public schools.

By Mr. Graham:

H. 10. To provide for the election of a board of education for the town of Jackson, Alabama, fix qualification of members of same, and define the power and authority of the board relative to the public schools within the corporate limits of said town.

By Mr. Murphree:

H. 264. To provide for the reversion of the title to lands donated to the State as a site for rural schools, when such schools are permanently abandoned.

Mr. Brown, chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Briscoe:

S. J. R. 80. Relative to the creation of a joint committee consisting of one from the Senate and two from the House to consider the question of supervision, care, maintenance and control of county alms houses in the State.

Mr. Kelly, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session,

had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kelly (with substitute):

S. 55. To create a State highway department; to define its powers and duties; to authorize State aid in the construction and maintenance of public roads and bridges; to create a State highway fund and to provide for its expenditure; to impose certain duties upon county and municipal officials and to provide a penalty for their failure to discharge same; to authorize the State highway department to work State convicts upon public roads and bridges; to assent to the act of Congress approved July 11, 1916, known as the "Federal Aid Law" and to authorize the State highway department to co-operate with the United States government in the construction and maintenance of rural post roads; and to repeal the act approved April 5, 1911, entitled "An act to provide for the creation of a State highway commission, defining its powers, duties and compensations, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources."

Mr. Moore, chairman of the Standing Committee on Fish, Game and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Moore:

S. 287. To amend section 6967 of the Code. (Relates to hunters licenses.)

By Mr. Briscoe:

S. 210. To conserve the natural resources of the State of Alabama, to change the name of the department of game and fish to the department of conservation and to provide that the State game and fish commissioner shall be, hereafter, known as the commissioner of conservation, to vest in the commissioner of conservation the power to enforce and administer all laws providing for the preservation, protection and propagation of wild birds, wild fur-bearing quadrupeds, game, forests, fish, oysters and other shell fish, crustaceans, and all other natural resources of the State, which have not been reduced to private ownership, and

to provide that all expenses incurred in the administration of the conservation laws shall be paid out of the game and fish protection fund and the oyster fund.

Mr. Carmichael, chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the adverse calendar, to-wit:

By Mr. Adams:

**H. 78.** To make more efficient the rural or primary schools of the State.

ORDER TO PRINT.

On motion of Mr. Craft, the Secretary was directed to have 200 copies of the substitute offered by the Committee on Public Roads and Highways to the bill:

By Mr. Kelly (with substitute):

**S. 55.** To create a State highway department; to define its powers and duties; to authorize State aid in the construction and maintenance of public roads and bridges; to create a State highway fund and to provide for its expenditure; to impose certain duties upon county and municipal officials and to provide a penalty for their failure to discharge same; to authorize the State highway department to work State convicts upon public roads and bridges; to assent to the act of Congress approved July 11, 1916, known as the "Federal Aid Law" and to authorize the State highway department to co-operate with the United States government in the construction and maintenance of rural post roads; and to repeal the act approved April 5, 1911, entitled "An act to provide for the creation of a State highway commission, defining its powers, duties and compensations, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources."

Printed for the use of the Senate.

COMMUNICATION FROM THE GOVERNOR.

The Senate received the following communication from his excellency, Thomas E. Kilby, governor:

July 17, 1919.

*To the Legislature of Alabama:*

I have the honor to transmit herewith for your consideration a certified copy of a resolution of Congress entitled, "Joint Resolution Proposing an Amendment to the Constitution Extending Right of Suffrage to Women."

Respectfully,  
Thos. E. Kilby,  
Governor of Alabama.

No. 3798

## UNITED STATES OF AMERICA

[Seal]

## DEPARTMENT OF STATE

*To all to whom these presents shall come, Greeting:*

I certify that the copy hereto attached is a true copy of a resolution of Congress, entitled "Joint Resolution Proposing an amendment to the Constitution extending the right of suffrage to women," the original of which is on file in this Department.

In testimony whereof, I, Frank L. Polk, Acting Secretary of State, have hereunto caused the Seal of the Department of State to be affixed and my name subscribed by the Chief Clerk of the said Department, at the City of Washington, this twelfth day of June, 1919.

Frank L. Polk,  
Acting Secretary of State.  
By Ben G. Davis,  
Chief Clerk.

H. J. Res. 1.

SIXTY-SIXTH CONGRESS OF THE UNITED STATES OF AMERICA;  
AT THE FIRST SESSION.

Begun and held at the City of Washington on Monday, the nineteenth day of May, one thousand nine hundred and nineteen.

## JOINT RESOLUTION

Proposing an amendment to the Constituion extending the right of suffrage to women.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several states.

## "ARTICLE —.

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

"Congress shall have power to enforce this article by appropriate legislation."

F. H. Gillett,  
Speaker of the House of Representatives.  
Thos. R. Marshall,  
Vice-President of the United States and  
President of the Senate.

#### GOVERNOR'S MESSAGE.

Mr. Carmichael moved that consideration of the governor's message, transmitting the Susan B. Anthony amendment to the Legislature of Alabama, be carried over until 12 o'clock, which motion prevailed and the consideration of said governor's message was carried over until 12 o'clock noon.

#### BILLS ON THIRD READING.

The bill:

S. 192. To provide that the clerk of the circuit court in each of the respective counties in this State shall be ex-officio the clerk of the county court in such county; to fix his duties as such ex-officio clerk and to provide for his compensation.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs:

Baker	Cowan	Leith	Rogers (Lauderdale)
Beale	Ellis	Miller	Rogers (Sumter)
Bedsole	Espy	Moore	Sims
Briscoe	Evins	Morris	Smith (Coosa)
Brown	Griffith	McDowell	Smith (Lawrence)
Butler	Gunter	Phillips	Tally
Carlton	Harper	Prestwood	West
Carmichael	Kelly		

—30

Nays:—None.

The bill:

S. 299. To authorize the court of county commissioners of Henry county, Alabama, to settle, adjust and refund, or either, the outstanding unpaid indebtedness against said county, by directing all or any portion of the surplus funds thereof on hand, disbursed in payment of all or any portion of the matured part of said indebtedness, and authorize the issuance of interest bearing warrants of said county for the remainder of any portion thereof of said indebtedness, also authorize such warrants to issue for all or any part of the outstanding unpaid unmatured indebtedness against said county, providing to such warrants

the same protection to which said indebtedness is entitled, in order that the income of said county, after defraying current governmental expenses, may be arranged to pay said indebtedness.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Harper	Phillips
Baker	Cowan	Kelly	Prestwood
Beale	Craft	Leith	Rogers (Sumter)
Bedsole	Ellis	Miller	Smith (Coosa)
Briscoe	Espy	Moore	Smith (Lawrence)
Brown	Evins	Morris	Tally
Butler	Griffith	McDowell	West
Carlton			

—29

*Nays:*—None.

The bill:

S. 313. To amend section 1 of an act entitled "An act creating and establishing the juvenile court of Mobile county, and defining its powers and jurisdiction; providing for the process and procedure of said court; for the equipment of said court; for officers of said court and their salaries and defining their powers and providing a commission to aid in carrying out the work of the court and prescribing its duties."

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs:

Acker	Carlton	Kelly	Prestwood
Baker	Cowan	Leith	Sims
Beale	Ellis	Miller	Smith (Coosa)
Bedsole	Espy	Moore	Smith (Lawrence)
Briscoe	Griffith	Morris	Tally
Brown	Gunter	McDowell	West
Butler	Harper	Phillips	

—27

*Nays:*—None.

The bill:

S. 300. To prescribe the maximum limit for the principal of unpaid outstanding indebtedness against Henry county, Alabama, not to exceed at any time.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs:

Acker	Carlton	Kelly	Prestwood
Baker	Cowan	Leith	Sims
Beale	Ellis	Miller	Smith (Coosa)
Bedsole	Espy	Moore	Smith (Lawrence)
Briscoe	Griffith	Morris	Tally
Brown	Gunter	McDowell	West
Butler	Harper	Phillips	

—27

*Nays:*—None.

#### RECONSIDERATION OF VOTE.

Mr. Acker moved that the vote by which the Senate on yesterday passed:

H. 182. To prohibit the keeping, exhibiting or operating of pool or billiard tables, on which the public can play, outside incorporated cities and towns having a police force.

Be reconsidered, which motion prevailed.

Mr. Acker then moved that the vote by which said bill was ordered to its engrossment and third reading be reconsidered, which motion prevailed, and Mr. Acker then moved that the reconsideration of said bill go over until tomorrow, which motion prevailed, and said bill was re-placed on the calendar for reconsideration on tomorrow.

#### BILLS ON THIRD READING RESUMED.

The bill:

S. 298. To further provide for improvement and maintenance of the public roads and bridges of Henry county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service, and levy and collect a vehicle tax and to provide penalty for violations of and failures to comply with provisions created under authority of this act.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs:

Acker	Carlton	Kelly	Prestwood
Baker	Cowan	Leith	Sims
Beale	Ellis	Miller	Smith (Coosa)
Bedsole	Espy	Moore	Smith (Lawrence)
Briscoe	Griffith	Morris	Tally
Brown	Gunter	McDowell	West
Butler	Harper	Phillips	

—27

*Nays:*—None.



The bill:

S. 297. To ratify and confirm an election held by the qualified voters of the town of Town Creek in Lawrence county, Alabama, on the 15th day of April, 1918, for the purpose of ascertaining whether or not said town would issue bonds in the sum of \$5,000.00 to draw interest at the rate of 5% per annum, and to further authorize the mayor and aldermen of the town of Town Creek, Lawrence county, Alabama, to sell said bonds, and to use the money and proceeds of the sale of said bonds in the erection and equipping of a school house in the town of Town Creek, Lawrence county, Alabama, known as school district No. 59, which school building is to be used for the benefit of the children of the town of Town Creek, Lawrence county, Alabama.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs:

Acker	Carlton	Kelly	Prestwood
Baker	Cowan	Leith	Sims
Beale	Ellis	Miller	Smith (Coosa)
Bedsole	Espy	Moore	Smith (Lawrence)
Briscoe	Griffith	Morris	Tally
Brown	Gunter	McDowell	West
Butler	Harper	Phillips	

—27

Nays:—None.

The bill:

S. 220. The define the jurisdiction of justices of the peace and notaries public who are ex-officio justices of the peace in precinct one in Cullman county, and to provide for the service of process from their courts.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs:

Acker	Carlton	Kelly	Prestwood
Baker	Cowan	Leith	Sims
Beale	Ellis	Miller	Smith (Coosa)
Bedsole	Espy	Moore	Smith (Lawrence)
Briscoe	Griffith	Morris	Tally
Brown	Gunter	McDowell	West
Butler	Harper	Phillips	

—27

Nays:—None.

The bill:

S. 296. To authorize W. J. Lee, E. E. Etheredge, and R. N. Streater, and their successors in office, as trustees of public

school district No. 59 in the town of Town Creek, Lawrence county, Alabama, to execute a mortgage and borrow money on the real estate belonging to said trustees and their successors in office, in the town of Town Creek, Lawrence county, Alabama.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs:

Acker

Baker

Beale

Bedsole

Briscoe

Brown

Butler

Carlton

Cowan

Ellis

Espy

Griffith

Gunter

Harper

Kelly

Leith

Miller

Moore

Morris

McDowell

Phillips

Prestwood

Sims

Smith (Coosa)

Smith (Lawrence)

Tally

West

—27

*Nays:*—None.

#### RESOLUTION.

Mr. Carmichael offered the following resolution:

S. R. 92. Whereas, both houses of the sixty-sixth Congress of the United States of America, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America, in the following words, to-wit:

Joint resolution proposing an amendment to the Constitution extending the right of suffrage to women;

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each house concurring therein), that the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution, when ratified by the legislatures of three-fourths of the several states:

"Article ..... The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

Congress shall have power to enforce this article by appropriate legislation."

Therefore, be it resolved by the Senate of the Legislature of Alabama:

Section 1. That it, the said Senate of the Legislature of Alabama, does hereby ratify the said proposed amendment to the Constitution of the United States of America.

Section 2. That certified copies of this preamble and resolution be forwarded by the governor of this State to the secretary of state at Washington, to the presiding officer of the United

States Senate and to the Speaker of the House of Representatives of the United States.

Mr. Bedsole offered the following motion in writing:

Mr. President:

I wish to make the following motion and to submit it in writing that it may become a part of the permanent records of the Senate:

I move that the further consideration of the woman's suffrage amendment be deferred until the hour of noon (12 o'clock M.) on the forty-third legislative day and that it then be the par-amount, continuing order until disposed of taking precedence over all other business.

#### TELEGRAM FROM WOODROW WILSON.

Lieutenant Governor Miller read to the Senate the following message from his excellency, Woodrow Wilson, President of the United States:

The White House, Washington, D. C.,  
July 12, P. M.

Lieut. Governor Nathan Miller,

President of the Senate, Montgomery, Alabama.

I take the liberty of urging the ratification by the Legislature of Alabama of the suffrage amendment to the Constitution of the United States because I am deeply interested to see the name of the great State which you represent added to the list of those who are the active friends of justice and liberal policy and because I so firmly believe that the peace of the world and the steadfast maintenance of counsels of justice and moderation will be promoted in no small degree by the influence of the fine women who will be added to the electorate of the United State by the adoption of this amendment.

WOODROW WILSON.

Mr. Carmichael moved that the Senate remain in session until the final disposition of the resolution offered by Mr. Carmichael and the motion in writing offered by Mr. Bedsole, which motion prevailed.

Mr. Carmichael then moved to table the motion of Mr. Bedsole, which motion prevailed and the motion offered by Mr. Bedsole was laid on the table.

Yeas, 18; Nays, 15.

Yeas:

Messrs:

Acker

Baker

Carlton

Carmichael

Cowan

Ellis

Espy

Evins

Gunter

Huddleston

Miller

Moore

Morris

McDowell

Prestwood

Rogers (Lauderdale)

Sims

Tally

*Nays:*

## Messrs:

Beale	Butler	Kelly	Smith (Coosa)
Bedsole	Craft	Leith	Smith (Lawrence)
Briscoe	Griffith	Phillips	West
Brown	Harper	Rogers (Sumter)	

—15

Mr. Briscoe offered the following resolution:

S. J. R. 93. Whereas, the pending suffrage amendment has been submitted by the Congress of the United States for ratification or rejection since the holding of the last democratic primary election, at which the members of the present Legislature were elected, and

Whereas, the people of Alabama have had no opportunity to pass upon the merits of said Federal suffrage amendment, and

Whereas, the democratic voters of Alabama should have the opportunity to pass upon said amendment by making it an issue between the candidates for the next Legislature in the next democratic primary held for the purpose of nominating the members of the Legislature, in the same manner that the people were permitted to pass upon the prohibition amendment in the last democratic primary,

Now, therefore, be it resolved by the Senate of Alabama, the House concurring, that action on the said suffrage amendment now pending, be and the same is hereby indefinitely postponed.

Mr. Carmichael moved to table the resolution offered by Mr. Briscoe, which motion prevailed, and said resolution was laid on the table.

Yeas, 20; Nays, 13.

*Yeas:*

## Messrs:

Acker	Cowan	Huddleston	McDowell
Baker	Ellis	Leith	Prestwood
Beale	Espy	Miller	Rogers (Lauderdale)
Carlton	Evins	Moore	Sims
Carmichael	Gunter	Morris	Tally

—20

*Nays:*

## Messrs:

Bedsole	Craft	Kelly	Smith (Coosa)
Briscoe	Griffith	Phillips	Smith (Lawrence)
Brown	Harper	Rogers (Sumter)	West
Butler			

—13

The question then recurred on the resolution S. R. 92 of Mr. Carmichael, upon consideration of which, the Senate refuses to ratify said proposed amendment.

Yeas, 13; Nays, 19.

*Yeas:*

## Messrs:

Beale	Craft	Leith	Smith (Coosa)
Bedsole	Griffith	Phillips	Smith (Lawrence)
Briscoe	Harper	Rogers (Sumter)	West
Brown			

—13

*Nays:*

## Messrs:

Acker	Cowan	Huddleston	McDowell
Baker	Ellis	Kelly	Prestwood
Butler	Espy	Miller	Rogers (Lauderdale)
Carlton	Evins	Moore	Sims
Carmichael	Gunter	Morris	

—19

## PAIR ANNOUNCED.

Mr. Tally announced that he and Mr. Nance were paired on this vote; that Mr. Nance, if present, would vote yea and he, Mr. Tally, would vote nay.

## ADJOURNMENT.

At 2:40 P. M., on motion of Mr. Acker, the Senate adjourned until 10 o'clock tomorrow morning.

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 TWENTY-SEVENTH DAY.

Friday, July 18, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

## PRAYER.

By Rev. Bennett of Montgomery.

Present:

Mr. President and

## Messrs:

Acker	Carmichael	Huddleston	Prestwood
Baker	Cowan	Kelly	Rogers (Lauderdale)
Beale	Craft	Leith	Rogers (Sumter)
Bedsole	Ellis	Miller	Sims
Briscoe	Evins	Moore	Smith (Coosa)
Brown	Griffith	Morris	Smith (Lawrence)
Butler	Gunter	McDowell	Tally
Carlton	Harper	Phillips	West

## JOURNAL.

On motion of Mr. West the reading of the Journal at length was dispensed with.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Tally (by request):

S. 340. To amend section 7828 of the Code of Alabama. Relates to trespassing by cutting timber on the lands of another.  
Revision of Laws.

By Mr. Acker:

S. 341. To require a copy of all pleadings in cases pending in the courts of this State at law or in equity to be served on opposing counsel.

Judiciary.

Also:

S. 342. To vacate and to annul the dedication of that part of Fifth, Sixth and Seventh streets in the city of Anniston, State of Alabama, through, over, on or across and as projected through, over, on or across that certain tract of land situated and being in said city of Anniston and bounded on the north by Tenth street, on the east by the right of way of the main line of the Mobile division of the Southern Railway Company (formerly the East Tennessee, Virginia and Georgia Railway Company), on the south by Fourth street and the right of way of the Birmingham division of the Southern Railway Company (formerly Georgia Pacific Railway Company), and on the west by Glen Addie street and the right of way of the said Birmingham division of the Southern Railway Company.

Municipalities and Municipal Organizations.

(With notice and proof attached and herewith exhibited as follows:)

## NOTICE.

Is hereby given that there will be introduced in the Legislature of Alabama, when the same convenes after recess, a bill, the substance of which is as follows:

## AN ACT

To vacate and to annul the dedication of that part of Fifth, Sixth and Seventh Streets in the city of Anniston, State of Alabama, through, over, on or across and as projected through, over, on or across that certain tract of land situated and being in said city of Anniston, and bounded on the north by Tenth street, on the east by the right of way

of the main line of the Mobile Division of the Southern Railway Company (formerly the East Tennessee, Virginia and Georgia Railway Company), on the south by Fourth street and the right of way of the Birmingham Division of the Southern Railway Company (formerly Georgia Pacific Railway Company), and on the west by Glen Addie street and the right of way of the said Birmingham Division of the Southern Railway Company.

Be it enacted by the Legislature of Alabama:

Section 1. That all that part of Fifth street, all that part of Sixth street and all that part of Seventh street, in the city of Anniston, State of Alabama, through, over, on, or across and as projected through, over, on or across that certain tract of land situated and being in said city of Anniston, and bounded on the north by Tenth street, on the east by the right of way of the main line of the Mobile Division of the Southern Railway Company (formerly the East Tennessee, Virginia and Georgia Railway Company), on the south by Fourth street and the right of way of the Birmingham Division of the Southern Railway Company (formerly Georgia Pacific Railway Company), and on the west by Glen Addie street and the right of way of the said Birmingham Division of the Southern Railway Company, be and the same are hereby vacated, annulled and abolished as public streets or public highways and the dedication thereof as public streets or highways are hereby vacated, extinguished and annulled.

State of Alabama, }  
Calhoun County. }

Before me, the undersigned authority in and for said State and county, personally appeared T. R. Gordon, who, being duly sworn, deposes and says: I am editor of The Anniston Star, a newspaper published in Anniston, Calhoun County, Alabama, and have personal knowledge of the facts herein deposed. The notice which is hereto attached marked exhibit "A" was published without cost to the State in issues of the said Anniston Star of, to-wit, June 17th, June 24th, July 1st and July 8th, the said Anniston Star containing said notice being regularly circulated in the said city of Anniston on each of the dates aforesaid, and the notice of intention to apply for a local act, which said notice is set out in exhibit "A," was published once a week for four consecutive weeks in said newspaper as aforesaid.

T. R. Gordon.

Sworn to and subscribed before me, this 11th day of July, 1919.

Grace Hurst Klein,  
Notary Public.

(Seal.)

By Mr. Leith:

S. 343. To fix the compensation of county and deputy solicitors serving in counties having a population of not less than 37,000 nor more than 37,500 according to the last preceding Federal census.

Judiciary.

Also:

S. 344. To provide for a clerk to the tax assessor in counties having more than 37,000 population and less than 37,400 population, according to the 1910 Federal census, to prescribe the duties of such clerks and provide for their appointment and compensation.

Finance and Taxation.

By Mr. Miller (by request):

S. 345. To amend section 1451 of the Code of Alabama.

Revision of Laws.

By Mr. Baker:

S. 346. To authorize sheriffs of counties having a population of not less than 30,815 nor more than 30,915, according to the Federal census of 1910, to employ jailors, and to prescribe their duties and fix their salaries.

Judiciary.

By Mr. Craft:

S. 347. To amend section three (3) of an act entitled "An act to create and establish the office of general guardian ad litem in all counties of sixty thousand (60,000) population and not exceeding eighty-two thousand (82,000) population, and in all counties over one hundred thousand (100,000) population according to the last Federal census or according to any subsequent Federal census; to prescribe his duties and qualifications; to provide for his appointment and to fix his compensation and term of office; to provide for the appointment of a guardian ad litem in cases where the general guardian ad litem is disqualified or where the interest of the infants interested in the case are antagonistic or conflicting; and to provide a penalty for wrongfully appointing such guardian ad litem," approved March 22nd, 1911, as amended by an act approved July 27th, 1915.

Revision of Laws.

By Mr. McDowell:

S. 348. To establish a commission for the promotion of uniformity in State legislation and to prescribe its duties.

Judiciary.

By Mr. Craft:

S. 349. To enlarge and further define the duties and fix the compensation of humane officers in counties of this State having a population of not less than 80,000 nor more than 82,000 according to the Federal census of 1910.

Municipalities and Municipal Organizations.

By Mr. West:

S. 350. To create the Alabama art commission, and to prescribe its powers and duties.

Education.

By Mr. Baker:

S. 351. To require the court of county commissioners or body of similar jurisdiction of Pike county, Alabama, to allow to the clerk of the circuit court of said county, three dollars per day during term times as a preferred claim against the general fund of said county, for the purpose of paying an assistant employed



by him to assist him in the performance of his duties as such clerk during the term times of circuit courts held in said county.

Finance and Taxation.

(With notice and proof attached and herewith exhibited as follows:)

#### NOTICE.

Notice is hereby given that a bill will be introduced when the Legislature reconvenes authorizing the court of county commissioners of Pike county to pay the clerk of the circuit court three dollars per day as a preferred claim out of the general fund of said county, during term of said court of said county, for the purpose of paying an assistant to record the minutes of said court and to otherwise assist him in the discharge of his duties as such clerk while said court is in session.

J. H. Jinright.

State of Alabama, }  
Pike County. }

Before me, J. H. Jinright, clerk of the circuit court, in and for said county in said State, personally appeared R. F. Powell, proprietor and publisher of the Troy Herald, a newspaper published at Troy, Pike county, Alabama, who being by me first duly sworn, deposes and says, that he published in said newspaper the printed notice hereto attached for more than thirty days in each weekly edition thereof next before the 1st day of July, 1919.

R. F. Powell.

Sworn to before me this the 1st day of July, 1919.

J. H. Jinright,  
Clerk of the Circuit Court, Pike County, Alabama.

By Mr. Huddleston:

S. 352. To extend for one year the certificates of teachers who were in the military or other service of the United States during the recent war, and whose certificates expired while they were engaged in such service.

Education.

By Mr. Cowan:

S. 353. To revise and improve the public health laws of Alabama by amending article 1, of chapter 22 of the Code of Alabama of 1907 and sections 1632 and 1636 of said Code.

Public Health.

By Mr. Carmichael:

S. 354. To amend sections 4754, 4758, 4776 and to repeal section 4762 of the Code of Alabama, 1907, and to provide for the further protection of laborers and material men.

Judiciary.

#### REPORTS OF COMMITTEES.

Mr. Sims, chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had act-

ed on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Moore:

S. 286. To authorize any bank or trust company doing a banking business, to receive deposits, and, or pay checks or sight drafts and transact other business, on any legal holiday, excepting Sunday.

By Mr. Briscoe:

S. 301. To authorize banks to accept drafts or bills of exchange drawn upon them under certain conditions and restrictions.

By Mr. Briscoe:

S. 233. To require the superintendent of banks to certify and pay to the treasurer of the State of Alabama all funds remaining in the hands of the superintendent of banks, uncalled for, which have been held by him in trust for depositors and creditors of liquidated banks, from which they were received after three (3) years from the final liquidation of such bank.

By Mr. Espy (by request) (with amendment):

S. 295. To authorize any bank or trust company incorporated under the laws of the State of Alabama to become a member of a Federal reserve bank, and in such event to be subject to all the provisions of the act of Congress known as the Federal reserve act and amendments thereto; to provide and define the reserves to be kept by banks and trust companies incorporated under the laws of this State which are or may become such members of the Federal reserve system; to permit the authorities of this State which supervise and examine banks and trust companies organized under its laws to accept the examination and audits made pursuant to the Federal reserve act of such banks and trust companies as become members of the Federal reserve system and for other purposes.

By Mr. Briscoe:

S. 302. To authorize solvent banks to voluntarily liquidate and to provide the method.

Mr. Moore, chairman of the Standing Committee on Fish, Game and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the adverse calendar, to-wit:

By Mr. Rogers of Lauderdale:

S. 283. To fix the open season for hunting and shooting, doves and squirrels in counties having a population of not less than

30,900 and not in excess of 30,975 according to the last or any subsequent Federal census.

#### RESOLUTION.

Mr. Carmichael offered the following resolution:

S. J. 94. Resolved by the Senate, that no resolution of any kind, whether originating in the Senate or House of Representatives, proposing the adoption or rejection of an amendment to the Constitution of the United States, shall be considered or adopted by the Senate until ten (10) calendar days after the introduction of said resolution in the Senate, or until ten (10) calendar days from the transmission of any joint resolution from the House proposing the adoption or rejection of said amendment.

Resolved, further, that this rule shall not be suspended, amended, rescinded, except by a vote of a majority of the members elected to the Senate, which shall be had on the resolution in writing, proposing the suspension, rescission, or amendment of said rule, which resolution shall not be considered or adopted until after the lapse of five (5) calendar days from the time of its introduction.

And the foregoing resolution was read and referred to the Committee on Rules.

#### REPORT FROM COMMITTEE ON RULES.

Mr. Acker, chairman of the Committee on Rules, reported favorably the foregoing resolution which was read a second time and placed upon the calendar.

#### REPORT FROM RECESS JUDICIARY COMMITTEE.

Mr. Griffith, from the Recess Judiciary Committee, presented the following report in writing:

#### REPORT OF THE JOINT RECESS JUDICIARY COMMITTEE.

##### *To the Legislature of Alabama:*

We were commissioned by House joint resolutions, numbers 31 and 73, approved February 7, 1919, and February 18, 1919, respectively:

First: To examine and consider the compilation of all the existing statutes of Alabama, of a general nature, as compiled by Col. Samuel Will John, or any other person or persons.

Second: To consider any such proposition of the compiler, Col. Samuel Will John, or any other person or persons, to publish the statutes as a Code.

Third: To consider the question of re-establishing the chancery courts.

Fourth: To consider the proper re-circuiting of the circuit courts.

Fifth: To make a full survey of the entire judicial system of the State, and to report recommendations, bills and laws for the improvement of the judicial system, with a particular view to the simplification of procedure in all the courts of the State.

Sixth. To consider and make recommendations looking to the economical printing and binding of the reports of the decisions of the Supreme Court.

Seventh: To investigate the number of Supreme and Appellate Court reports necessary to be printed for distribution; the cost thereof, and ways and means for future publication of said reports with a view to preventing waste and unnecessary expenditure in the publication of said reports.

This committee, and the several members thereof, brought to the discharge of the duties thus imposed the best that was in them.

The committee met at the capitol, in Montgomery, on March 31, 1919, and first took up for consideration the compilation of Col. Samuel Will John, and at once realized that the proposed cost to the State of this compilation was practically prohibitive, taking into consideration the well-known financial condition of the State.

At the outset, we were met by Col. Samuel Will John, and J. T. Doonan, Secretary of the Harrison Company, Publishers and Law Book Sellers, Atlanta, Georgia, and we learned that the manuscript of the Code of Alabama, submitted by Col. Samuel Will John, is the property of the Harrison Company.

The committee ascertained that the State would require for its use and proper distribution to the various departments and officials of the State about four thousand sets, and the Harrison Company submitted to the committee a proposition to furnish the State four thousand or more sets of the proposed Code at twenty dollars per set; making a total cost to the State of Alabama of eighty thousand dollars.

The committee had various and divers conferences with and propositions from the Harrison Company with the result that on May 5, 1919, this company made a proposition in substance:

That it would furnish the State four thousand five hundred sets of the proposed Code for sixty-seven thousand six hundred and sixty dollars, this being at the rate of a little more than fifteen dollars per set, or three dollars per volume.

That it would sell the lawyers, or the general public, this Code at thirty dollars a set.

On May 13, this committee unanimously voted to reject any and all propositions submitted to it by the Hon. Samuel Will John and the Harrison Company.

#### CODE COMMISSIONER.

This committee recommends to the Legislature the creation of the office of Code commissioner, whose duty it shall be to prepare and submit to the next regular session of the Legislature of Alabama a Code for its adoption, and recommends that the members of the Supreme Court of Alabama and the governor be given authority to name said commissioner, and that the Legislature make an appropriation to pay said Code commissioner, and all expenses incident to the preparation of said Code.

Carrying out this recommendation, we have prepared and herewith submit to the Legislature of Alabama, a bill embracing the matters so recommended.

#### CHANCERY COURTS.

This committee considered the question of re-establishing the chancery courts, and while so considering this question, had before it able lawyers of the State, and numerous letters from lawyers throughout the State.

After careful and full consideration of this question, your committee has reached the conclusion that the present consolidated system of the law and equity courts should not be disturbed, and that the chancery court, as an independent system, should not be re-established at this time.

That there are benefits to be gained by the re-establishment of the chancery court cannot be gainsaid, but your committee is of the opinion that the re-establishment of the chancery court system would necessarily mean increasing the number of judicial officers of the State and an added financial burden to the State which is already much over-burdened.

#### REPORTS OF OPINIONS OF THE APPELLATE COURTS.

Your committee made a careful investigation with reference to the printing of the reports of the decisions of our two appellate courts, and we find that the State now has on hand approximately eighty thousand copies of the Code, Acts, and Reports of the Supreme Court and Court of Appeals.

Your committee made an investigation of the basement where these books are stored and its appearance verifies these figures. Of these eighty thousand books, about sixty-four thousand, nine hundred are reports of the Supreme Court and the Court of Appeals.

We had an estimate made showing the cost of the printing of eight volumes of the Supreme Court, beginning with Volume 190; the aggregate cost of these eight volumes was \$15,240, and the amount received by the State was \$4,350, leaving the excess cost \$10,890. It is estimated that the average cost per year to the State for these books stored in the basement is \$5,445.00. It is estimated that the State distributes an average of 233 copies of each volume.

Your committee has reached the conclusion that the State ought to go out of the book-selling business. With the aid of the chief justice of the Supreme Court, and his secretary, we have adopted a plan which we are advised will save the State \$4,194.00 per year. For the purpose of accomplishing this end, we are presenting to you herewith a bill which authorizes a contract to be made for the publications of the opinions of the Supreme Court and the Court of Appeals, and the State to purchase only such number of volumes of said reports as will be necessary for the use of the State and its officers and for distribution purposes, and to arrange with the publisher the price per volume at which each volume shall be sold to the public by the publisher.

#### PUBLICATION OF OPINIONS.

Your committee is of the opinion that the opinions of the Court of Appeals of Alabama should not be published until the expiration of the time in which an application may be made for a writ of certiorari to the Supreme Court, and in the event the writ is granted, the Court of appeals should not publish any opinion.

This committee herewith submits a bill to the Legislature for the purpose of carrying out this recommendation.

#### DISSENTING OPINIONS.

This committee is of the opinion that the publication of the dissenting opinions of judges in decisions of the Supreme Court and Court of Appeals can serve no good purpose, and, therefore, recommend that the Legislature pass a bill prohibiting the publication and binding in reports of the decisions of the Supreme Court and of the Court of Appeals such dissenting

opinions, and to this end herewith submit to the Legislature the proposed bill.

#### REVIEW OF THE DECISIONS OF THE COURT OF APPEALS BY THE SUPREME COURT.

Your committee is of the opinion that the Supreme Court should be authorized and empowered to review and revise both the opinion and judgment of the Court of Appeals in causes removed from the Court of Appeals to the Supreme Court, and to this end we herewith submit to you, with our recommendation, a bill carrying out our idea.

#### OPINIONS OF THE SUPREME COURT.

Your committee has considered ways and means of eliminating the "one judge evil."

We believe that every case submitted to the Supreme Court of Alabama should be considered and decided by the court before it is referred to the justices for the preparation of an opinion. The value of such a course cannot be over-estimated.

The committee feels very strongly on this proposition, and we are recommending to the Legislature for passage a bill that we feel will accomplish the desired end, and sincerely hope that the Legislature will pass this bill.

#### RECIRCUITING.

Your committee had before it delegations from various sections of the State with reference to the changing and altering the present circuits.

We regret that we have found ourselves unable to make more changes than we are recommending to you, but, after going over the whole field, we have reached the conclusion that the bill we are presenting to you is the best that the State can do at this time.

This bill suggested relieves the most congested sections of the State, and at the same time puts to work some of the judges who have heretofore had but little to do. If your committee had had power to presently remove the judges a more thorough re-circuiting could have been accomplished, but there is no way of ending the term of office of any judge until it terminates by law.

We are recommending to you for favorable consideration a bill that we believe puts the various circuits in the State on approximately a fair and equitable basis, and at the same time gives each citizen a court that can give him relief within a reasonable time.

#### SALARIES OF CIRCUIT JUDGES.

This committee recommends that the salaries of the circuit judges of the State be placed at (\$3,600) three thousand six hundred dollars per annum. To this end we herewith submit bill.

#### REDUCTION OF JUDGES.

This committee recommends that the number of circuit judges in the civil division of the tenth judicial circuit of Alabama, composed of Jefferson county, be reduced from ten to eight.

#### PRACTICE OF LAW BY SOLICITORS.

This committee recommends to the Legislature that the solicitors of the State be paid an adequate salary, and that they then be prohibited from

practicing law in any of the other courts of the State, and to accomplish this purpose have prepared, and herewith submit, to the Legislature, bills carrying this purpose.

#### SALARIES OF SOLICITORS.

Your committee recommends that the circuit solicitors of the State receive a uniform salary of (\$2,400) two thousand four hundred dollars per annum, and to this shall be added an expense account of (\$50.00) fifty dollars per month.

#### SALE OF REPORTS OF APPELLATE COURTS.

Your committee recommends that the Legislature provide for the sale of the Supreme Court and Appellate Court reports now on hand at the sum of one dollar per volume, but recommends that the State retain one hundred copies of each volume.

#### WHAT A SUFFICIENT RECITAL IN A JUDGMENT ENTRY.

Your committee is of the opinion that many close questions can be eliminated with reference to the sufficiency *vel non* of judgment entries by providing that if the judgment entry recites that a demurrer to the plea is overruled is a sufficient judgment entry to authorize the appellate court to consider and review the matter at issue, and to this end we are recommending and submitting to you herewith a bill declaring what is a sufficient recital in a judgment on demurrer, and we recommend it for your favorable consideration.

#### REPORTS TO THE CHIEF JUSTICE BY CLERKS AND REGISTERS.

Your committee has been handicapped with reference to its work of re-circuiting the State by reason of the fact that the reports to the chief justice, which the law heretofore has required to be made, are not sufficiently informing to advise us of the character of the litigation tried in the various courts and approximately the time consumed in the trial of cases. In order to overcome this situation we have prepared, and are herewith submitting to the Legislature, a bill which provides for the making of reports which will really give information to future Legislatures and to the chief justice of the Supreme Court.

#### NOTICES BY CLERKS OF APPELLATE COURTS.

This committee recommends to the Legislature that the clerks of the appellate courts be required to notify all attorneys appearing of record in any of the causes pending in said courts, in writing, of all actions and rulings made by said courts in any case in which they appear of counsel. A bill carrying out this recommendation is herewith submitted.

#### CUTTING TIMBER.

Your committee recommends to the Legislature for passage the bill to be entitled, "An act to terminate the rights of the grantee in a timber deed to such timber upon the expiration of the time stipulated in the deed to cut and remove same, or after the expiration of a reasonable time, if there is no stipulated time in the deed."

#### HOUSE BILLS.

Your committee had before it various bills pending before the judiciary committee of the House, and we submit to you our recommendations as follows:

H. B. 16. We recommend that H. B. 16, "A bill to be entitled an act to abolish the Court of Appeals of Alabama and to provide for the disposition of all causes pending therein and the records and papers thereof," be adversely reported by the judiciary committee, and that it be not passed by the Legislature.

H. B. 289. We recommend that H. B. 289, "A bill to be entitled an act to amend section 6006 of the Code of Alabama of 1907," be adversely reported by the judiciary committee and not be passed by the Legislature.

H. B. 254. We recommend that H. B. 254, "A bill to be entitled an act to regulate the revocation of wills by the execution of subsequent ones," be adversely reported by the judiciary committee, and not be passed by the Legislature.

H. B. 255. We recommend that H. B. 255, "A bill to be entitled an act to regulate pleading and practice in this State as to pleading double and inconsistent matters," be adversely reported by the judiciary committee, and not be passed by the Legislature.

H. B. 337. We recommend that H. B. 337, "A bill to be entitled an act to regulate procedure in the trial of criminal cases in which the jury is required to fix the punishment or any part thereof," be reported adversely by the judiciary committee and not be passed by the Legislature.

H. B. 291. We recommend that H. B. 291, "A bill to be entitled an act to amend section 6004 of the Code of Alabama of 1907," be reported adversely for the reason that an independent bill covering this purpose is reported to the Legislature by your committee.

H. B. 165. Your committee had up for consideration H. B. 165, "A bill to be entitled an act providing contributory negligence shall be no bar to recover in actions brought to recover damages in certain cases and providing that in such cases the question of negligence and contributory negligence are for the jury to determine," and it was moved that the committee recommend said bill favorably. This motion having been seconded and put, was carried. Thereafter, it was moved and seconded that at the request of Senator Griffith additional hearings on this bill be granted. This motion being put was carried.

Thereafter, it was moved and seconded that the committee have a public hearing on this bill, and that notice of such hearing be given to the press of the State. This motion being put was carried.

Thereafter, it was moved and seconded that this bill be postponed until the next meeting of the committee for a public hearing, and that notice of such action be given to the press of the State, and this motion being put was carried.

This bill coming up for further hearing, it was moved and seconded that this committee designate a sub-committee to draft a substitute for the bill and this motion on being put the vote stood: Ayes, 4; nays, 4, and it was declared lost.

Thereupon, it was moved and seconded that this committee recommend that the judiciary committee report this bill adversely and that it be not passed by the Legislature. This motion being put, the ayes were 4, and nays 4. The motion was declared lost.

H. B. 133. This committee recommends that H. B. 133, "A bill to be entitled an act to authorize the making and entering of record of certain orders and decrees in probate courts; providing the method of obtaining same and defining the effect thereof," be adversely reported by the judiciary committee, and not be passed by the Legislature.

Section 5346. This committee recommends to the Legislature that section one of "An act entitled to amend section 5346, and repeal section 5347 of the Code of Alabama of 1907, approved September 28, 1916," be amend-



ed, and to this end submit to the Legislature a bill containing the section, as thus amended.

H. B. 99. This committee recommends that H. B. 99, "A bill to be entitled an act to further regulate the practice in equity courts of the State," be reported adversely by the judiciary committee, and that it not be passed by the Legislature.

H. B. 194. This committee recommends that H. B. 194, "A bill to be entitled an act to classify contempts of courts and to provide and regulate the practice and procedure therein," be amended by providing "that the defendant shall be allowed bail pending the hearings," and, as thus amended, that it be reported favorably by the judiciary committee and passed by the Legislature.

Section 6300. Your committee is of the opinion that the offense condemned in this section should be made a felony, and to this end have prepared a bill amending the section of the Code and herewith submit same to you for your consideration.

#### RECOMMENDATIONS LOOKING TO THE RELIEF OF CONGESTED CIRCUITS.

To the end that the counties now combined with Montgomery county in the circuit be given prompt relief without increasing the expense to the State, your committee recommends that the attorney general be given power to direct circuit solicitors of other circuits, and more particularly the solicitor of the present Lee circuit, to perform the duties of solicitor of this to-be-created circuit, and that the present supernumerary judge of the State be empowered and directed to discharge the duties of judge of this new circuit. Your committee further recommends that at the next general election a circuit judge be elected for this new circuit and the office of supernumerary judge be discontinued.

The committee recommends the passage of a law providing that where more than one office of the same name or class is to be filled by nomination in a primary election, said position shall be designated numerically, and each candidate in announcing his candidacy shall state for which one of the numerical positions he is a candidate.

S. A. Lynne,  
Chairman.

A. A. Griffith,  
Marion H. Sims,  
J. Morgan Prestwood,  
On the Part of the Senate.

Oscar L. Tompkins,  
Chauncey Sparks,  
A. M. Tunstall,  
D. B. Cobbs,  
On the Part of the House of  
Representatives.

Henry P. Merritt,  
Speaker of the House and Ex-Officio  
Member of the Committee.

T. J. Bedsole,  
President Pro Tem. of the Senate and  
Ex-Officio Member of the Committee.

## A BILL

To be entitled an act to provide for the revision, codification, digesting, and promulgation of the public statutes of this State, both civil and criminal.

Whereas, section 85 of the Constitution of the State of Alabama provides that it shall be the duty of the Legislature at its first session after the ratification of said Constitution and within every subsequent period of twelve years to make provision by law for revising, digesting and promulgating the public statutes of this State of a general nature, both civil and criminal, and, whereas, the Legislature of Alabama at its session of 1903, did make that provision by law for revising, digesting, and promulgating the public statutes of this State of a general nature, both civil and criminal, and which said provision was effected by the adoption and promulgation of the Code of Alabama of 1907, therefore:

Be it enacted by the Legislature of Alabama:

Section 1. That the judges of the Supreme Court of Alabama and the governor of the State, be, and they are hereby authorized, empowered, and directed to elect a Code commissioner whose duty it shall be to revise, digest and codify all the statutes of this State of a general and public nature, both civil and criminal, including such acts as may be passed at the present session of this Legislature.

Section 2. Such commissioner shall revise and reduce into a written and systematic code of the whole body of the public statutes of this State, both civil and criminal, and the said Code shall be divided into not exceeding five volumes; each volume to be properly indexed, and each volume shall be bound separately.

Section 3. It shall be the duty of said commissioner at least three months before the convening of the next Legislature to deliver said Code to the governor of this State, together with a sworn statement showing each and all of the changes he shall have made, and the phraseology of all the acts and laws codified by him, together with each and all additions thereto, and omissions therefrom, with accurate reference to the acts and laws so altered, changed or omitted; it shall be the duty of the governor to carefully and painstakingly examine the same and specifically report upon the same to the Legislature of 1923, recommending such alterations, changes, omissions, and modifications, if any, as to him seem proper, and he shall attach to his report the sworn statement of the commissioner hereinabove provided for.

Section 4. The said commissioner shall prepare appropriate chapters, titles, and sub-divisions of titles, for each chapter, clearly, briefly, and succinctly expressive of the subjects treated, which shall be arranged alphabetically, bringing into appropriate order and place all public laws appertaining to the subject treated; said commissioner shall not simply transfer or transcribe the laws enacted by the Legislature, but shall, without changing the sense, so alter the phraseology as to eliminate and exclude all redundancy, prolixity and obscurity of expression, and where there shall be several acts relating to, or embracing the same subject, they shall be gathered together and condensed into one, and so worded as to clearly and fully set forth the substance and meaning of the whole, having regard to the judicial exposition thereof; whenever it shall be apparent that there are legislative omissions, or mistakes, in any statute, said commissioner shall supply and rectify the same so as to correct and perfect such statute, and render its meaning clear and its operation complete, and shall add such original notes and references as may be proper for the clear elucidation of them, and for easy and ready reference to the several laws from which they may be compiled, showing as far as may be, when such acts and statutes and laws

become operative, and when amended, to which shall be appended in appropriate arrangement a citation and digest of all the decisions of the Supreme Court, construing, explaining, or discussing such sections or acts.

Section 5. Such commissioner shall prepare and submit an accurate, full, complete, and comprehensive index to each separate volume of said Code, which shall contain an alphabetical arrangement of all the various subjects contained in such volume, and each subject and section shall be thus indexed, and said index shall also contain a word index referring to the ordinary word expressive of the subject treated, and each reference shall be to sections of the Code, and to the page thereof, of each and both.

Section 6. The said commissioner shall number each section of said Code, and immediately following the number of each section shall set out the numbers of the sections of the Code of 1907, 1896, 1886, 1876, 1867, and 1852, in the order herein set forth, designating by a (—) any intermediate Code which does not contain such sections or subject matter.

Section 7. Such commissioner shall prefix the said Code with the Constitution of 1875, and the Constitution of 1901, and shall make a brief and concise statement of the rulings and decisions of the Supreme Court with reference to each section of the Constitution of 1901, where the same has been construed; which statement shall follow immediately after the section so construed, or passed on.

Section 8. Said commissioner shall receive for his services from the State of Alabama the sum of \$15,000.00 which sum shall include allowance for clerical assistance and which sum shall be payable at the times and in such amounts as may be prescribed and approved by the chief justice of the Supreme Court and the government of Alabama.

Section 9. In case said commissioner shall die, resign, or become unable to execute the duties herein required of him, the justices of the Supreme Court of Alabama, and the governor of the State, shall appoint a suitable person in his place, and such person, when so appointed, shall have all the rights and powers of said commissioner, and shall perform all the duties hereinbefore required of him.

Section 10. Said commissioner shall prepare and submit to the governor, when he submits the Code as hereinabove provided, such bills as he may deem necessary or proper for perfecting, harmonizing or improving the system of laws of Alabama, which he cannot embrace in the Code as hereinbefore provided, which bills the governor shall carefully examine and report to the Legislature of 1923 with such suggestions in regard to the passage or amendment of said bills, as he may deem proper.

Section 11. The commissioner shall, in addition to the other duties herein required of him, superintend the publication and editing of the Code, and shall read the proof and compare the same with the original manuscript adopted by the Legislature.

Section 12. The secretary of State shall supply the said commissioner with stationery necessary to the preparation of said Code, and with one volume each of the Code of 1867, 1876, 1886, and 1896, and with two volumes of the Code of 1907, and two copies each of all acts of the Legislature of Alabama, beginning with the regular session of the Legislature of 1907, thence up to and including the session of 1919.

Section 13. In case said commissioner shall die, or become unable to execute the duties herein required of him, without having received compensation for the work performed by him, the same shall be paid to his personal representative in event of his death, and to him in event he becomes unable to further prosecute the work.

Section 14. Such commissioner shall omit from said Code the various revenue laws, the laws relating to the department of education, the laws

relating to the department of agriculture, the laws relating to the game and fish department, these to be published in pamphlet form. Provided, however, that all the laws relating to or touching any of these committed subjects of a criminal nature, shall be published in an appropriate place in said Code.

Section 15. That all laws and parts of laws in conflict herewith be and they are hereby repealed.

#### A BILL

To be entitled an act to divide the State into judicial circuits for the circuit court, to be numbered and composed of the counties named.

**Be it enacted by the Legislature of Alabama:**

Section 1. The State of Alabama is hereby divided into judicial circuits for the circuit courts, which circuits are numbered and composed of counties as follows:

First circuit—Choctaw, Clarke, Monroe and Washington.

Second circuit—Baldwin, Butler, Conecuh, Crenshaw, Escambia and Lowndes.

Third circuit—Barbour, Bullock, Dale and Russell.

Fourth circuit—Bibb, Dallas, Hale, Perry and Wilcox.

Fifth circuit—Chambers, Lee, Macon, Randolph and Tallapoosa.

Sixth circuit—Tuscaloosa.

Seventh circuit—Calhoun, Clay, Cleburne, Shelby and Talladega.

Eighth circuit—Cullman, Lawrence, Limestone, Madison and Morgan.

Ninth circuit—Cherokee, DeKalb, Jackson and Marshall.

Tenth circuit—Jefferson.

Eleventh circuit—Colbert, Franklin, Lauderdale and Winston.

Twelfth circuit—Coffee, Covington and Pike.

Thirteenth circuit—Mobile.

Fourteenth circuit—Fayette, Lamar, Marion and Walker.

Fifteenth circuit—Montgomery.

Sixteenth circuit—Blount, Etowah and St. Clair.

Seventeenth circuit—Marengo, Greene, Pickens and Sumter.

Eighteenth circuit—Geneva, Henry and Houston.

Nineteenth circuit—Autauga, Chilton, Coosa and Elmore.

Section 2. That the Lee circuit composed of Lee county be, and the same is hereby abolished as a separate and distinct circuit, and the same is hereby merged and consolidated with the fifth judicial circuit and is made a part thereof.

Section 3. That within thirty days after the passage and approval of this act, the two judges of the consolidated fifth circuit, viz.: the present fifth circuit and the Lee circuit, shall agree which shall be the presiding judge of the consolidated circuit, and in the event they fail to reach such agreement within such time, that fact shall be certified by one or both of such judges to the chief justice of the Supreme Court of Alabama, who shall thereupon designate which of the two judges shall be the presiding judge of the consolidated circuit. In either event, the fact as to who shall be the presiding judge shall be entered upon the minutes of the court in each county constituting said circuit.

Section 4. That upon the passage and approval of this act thereafter and up to the general election in 1922, the solicitor of the fifth circuit, before consolidation, shall prosecute in criminal cases in the counties of Chambers, Macon, Randolph and Tallapoosa, and the solicitor of the Lee circuit, before consolidation, shall prosecute in criminal cases in the counties of Lee, and in

such other counties and territories as he may be directed by the attorney general. That at the general election of 1922, there shall be elected only one judge and one solicitor for the fifth judicial circuit, as defined by this act.

Section 5. That upon the passage and approval of this act, there shall be two judges and one solicitor for the seventh judicial circuit. One of said judges shall be appointed by the governor, and the present judge of the seventh judicial circuit shall be and remain one of the judges of said circuit, as created and defined of this act. That the present judge of the seventh judicial circuit shall be the presiding judge of the said seventh judicial circuit, as created and defined by this act.

Section 6. That upon the passage and approval of this act the judge and solicitor of the Marengo circuit court, composed of Marengo county before the passage of this act, shall be the judge and solicitor of the seventeenth circuit, as defined and established by this act.

Section 7. That the judges and solicitor of the fourteenth judicial circuit as defined and established by this act until the general election in 1922, at which time the judges and solicitor shall be elected for the counties composing said fourteenth circuit as defined and established by this act.

Section 8. That the judge and solicitor of the eleventh judicial circuit, before the passage of this act, shall be and remain the judge and solicitor of the eleventh circuit, as defined and established by this act, until the general election in 1922, at which time the judge and solicitor shall be elected for the eleventh circuit as defined and established by this act.

Section 9. That the judges and the solicitor of the fifteenth judicial circuit, before the passage of this act, shall be and remain the judges and solicitor of the fifteenth judicial circuit, as defined and established by this act, at the general election in 1922, at which time the judges and solicitor of the fifteenth judicial circuit shall be elected for the fifteenth circuit as defined and established by this act.

Section 10. That the judges and solicitor of the tenth judicial circuit, before the passage of this act shall be and remain the judge and solicitor of the sixth judicial circuit as defined and established by this act, until the general election in 1922, at which time the judge and solicitor of the sixth judicial circuit shall be elected for the sixth circuit as defined by this act.

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#### A BILL

To be entitled an act to amend section one of an act entitled, "An act to further prescribe and regulate the qualifications, number, designation, duties and powers of the circuit judges of the State, and to provide for their election and appointment," approved September 25, 1915.

Be it enacted by the Legislature of Alabama:

Section 1. That section one of an act entitled, "An act to further prescribe and regulate the qualifications, number, designation, duties and powers of the circuit judges of the State, and to provide for their election and appointment, approved September 25, 1915," be, and the same is hereby amended so as to read as follows:

Section 2. At the general election held in November, 1922, there shall be elected eight judges of the circuit court of the tenth judicial circuit of Alabama; three judges for the circuit court of the thirteenth judicial circuit; two judges for the seventh judicial circuit; two judges for the circuit court of the eighth judicial circuit; two judges for the circuit court of the fourteenth judicial circuit; two judges for the circuit court of the fifteenth judicial circuit; two judges for the circuit court of the sixteenth judicial

circuit; and one judge for every other circuit in the State; each and all of whom shall receive a uniform salary of thirty-six hundred dollars per annum, payable monthly, three hundred dollars per month, and each and all of whom shall hold office for a term of six years.

Section 3. Be it further enacted, that immediately following the approval of this act that the governor of this State be, and he is hereby authorized to appoint an additional judge for the seventh judicial circuit, who shall hold office until the general election of 1922, and who shall receive the same salary as is paid to the other circuit judges of the State.

Section 4. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

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A BILL

To be entitled an act to amend section 1 of an act to amend section 5346 and repeal section 5347 of the Code of Alabama of 1907, approved September 28, 1915.

Be it enacted by the Legislature of Alabama:

That section one of an act to amend section 5346 and repeal section 5347 of the Code of Alabama of 1907, approved September 28, 1915, be and the same is hereby amended so as to read as follows:

"1. That section 5346 of the Code of Alabama of 1907 be amended so as to read as follows: Section 5346. When the summons, writ of attachment, or other process has been executed on a defendant, or services perfected on him as required by law, either in term time or in vacation, the defendant shall appear and plead, answer or demur thereto within thirty days, or be in default, and, on motion of the plaintiff, judgment by default must be rendered against the defendant, at any term of court after the expiration of said thirty days, whether it be a jury, or non-jury term, and whether a jury has been demanded or not.

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A BILL

To be entitled an act to provide for and regulate the making of reports to the chief justice of the Supreme Court by the clerks and registers of the circuit courts, the clerks of the county courts, the judges of probate and the clerks of the Supreme Court and the Court of Appeals, and to provide penalties for failure to comply with the provisions of this act.

Be it enacted by the Legislature of Alabama:

Section 1. That the clerk and register, except in cases where the clerk performs the duties of both clerk and register, of each circuit court or court of like jurisdiction, the clerk, or the judge, where there is no clerk, of each county court or court of like jurisdiction, and the judge of probate shall, between the first and the fifteenth day of January and July of each calendar year, make and forward to the chief justice of the Supreme Court a report showing the following data: 1. (a) The docket number and the nature of each case or proceeding disposed of in said court during the preceding quarter; (b) the date of the commencement of the hearing, the date of its determination, and the time actually consumed in its hearing or trial, up to the date of the report; (c) the disposition of the case or proceeding; (d) the aggregate costs accrued; (e) whether or not an appeal is taken and, if so, the date. 2. (a) The docket number and the nature of each case or proceeding pending in said court; (b) The date of its commencement; (c) The stage reached in its trial or preparation for hearing or trial; (d) The total costs accrued to date of the report. Said reports shall be

made upon blanks to be furnished by the chief justice, one copy to be retained by the officer making the same, and the original to be forwarded upon its completion to the chief justice as hereinabove provided. Prior to adjournment the judge of each court shall make and enter an order directing the clerk to comply with the provisions of this act.

Section 2. Within thirty days after the February recess and the July adjournment of the Supreme Court and the Court of Appeals, the clerks of said courts shall make to the chief justice on blanks to be furnished by him a report showing the following: 1. (a) The division and number of each appeal disposed of during the half of the term; (b) the nature of the cause or proceeding; (c) the date of original docketing; (d) the date of submission; (e) the date of original disposition and the order taken; (f) the date of disposition of application for rehearing and the order taken; (g) the aggregate cost on appeal. 2. The date of filing and the date of disposition of petitions for certiorari, the action by the costs accruing in the Supreme Court and the Court of Appeals, as the case may be.

Within thirty days after the July adjournment, the clerks of the Supreme Court and the Court of Appeals shall make to the chief justice a report showing the division and number, the style and the nature of each pending proceeding or cause; the date of original docketing of each pending appeal; and the date of submission. Said reports shall show the number of appeals assigned to each justice or judge undisposed of at the close of the term.

Section 3. Upon receiving the reports provided for in sections 1 and 2 of this act, the chief justice shall cause the same to be entered in a suitable book or books to be kept for the purpose; and when reports from all courts at nisi prius have been received, he shall cause the same to be compiled: first, according to the counties; second, according to circuits; and, third, with reference to the State. In each instance, the cases or proceedings shall be classified according to their civil, criminal or equitable nature; and such general classifications shall be subdivided so as to show the more specific nature of the cases or proceedings reported. The compilation shall show, further, the time consumed and the costs incurred in the trial of the cases or proceedings reported.

Section 4. Prior to the convention of the Legislature in regular session, the chief justice shall cause a report to be made to the Legislature covering the work of all the courts of the State during the preceding quadrennial period, embracing therein such recommendations as may seem to him proper.

Section 5. Expenses for printing and supplies necessary to the proper compliance with the terms of this act shall be incurred by the chief justice, and shall be paid by warrant drawn by the auditor upon the certificate of the chief justice.

Section 6. Upon failure of any officer mentioned in this act to perform any of the duties prescribed herein, he shall forfeit to the State one hundred dollars, the same to be collected by the proper county or circuit solicitors, by proper proceedings.

Section 7. All laws and parts of laws in conflict herewith are hereby repealed.

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#### A BILL

To be entitled an act to declare what is a sufficient recital in a judgment on demurrer rendered by any court in this State to authorize a review of the rulings of such court on demurrer.

Be it enacted by the Legislature of Alabama:

Section 1. That the recital of a judgment of a trial court relating to a ruling of the court on demurrer to a complaint, original bill, plea, replication, rejoinder, or any other pleading subject to demurrer stating in substance that such demurrer is sustained or overruled, as the case may be, shall be a sufficient recital to authorize the review of the ruling of the court on any such demurrer, whether the demurrer is directed to the pleading as a whole or separately to the several counts, or parts thereof, and it shall not be essential that the judgment recite that the demurrer interposed separately to the several counts, pleas, or other parts of any pleading, if the demurrer itself is so directed, nor shall it be necessary for such judgment to recite any fact with reference to a ruling on demurrer other than that the same was sustained or overruled.

Section 2. Be it further enacted, that all laws or parts of laws in conflict herewith be, and the same are hereby repealed.

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A BILL

To be entitled an act "to prohibit the publication and binding in reports of the decisions of the Supreme Court and Courts of Appeals, the dissenting opinions of judges in said courts."

Section 1. Be it enacted by the Legislature of the State of Alabama: That the reporter of the opinions of the Supreme Court of Alabama, and the Court of Appeals of Alabama, in preparing the opinions of said courts for publication and binding, shall omit therefrom all dissenting opinions and shall have published and bound in the reports of the opinions of said courts only the majority opinions of said courts, leaving out all minority opinions and dissenting opinions.

Section 2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

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A BILL

To be entitled an act to repeal an act entitled, "An act to fix the compensation of circuit judges, circuit solicitors and assistant solicitors in all the circuits of the State of Alabama which circuits are composed of only one county, and having two or more judges, and to provide that a portion of such salaries be paid out of the county treasury of the counties constituting the respective circuits, approved September 22, 1915."

Section 1. Be it enacted by the Legislature of Alabama, That an act entitled, "An act to fix the compensation of circuit judges, circuit solicitors and assistant solicitors in all the circuits of the State of Alabama which circuits are composed of only one county and having two or more judges, or which circuits may hereafter have two or more judges, and to provide that a portion of such salaries be paid out of the county treasury of the counties constituting the respective circuits, approved, September 22, 1915," be, and the same is hereby repealed.

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A BILL

To be entitled an act to amend section 1 of an act entitled an act to regulate and prescribe the method of securing jury trials in civil causes at law and in misdemeanors, and to prescribe how such causes shall be tried without the intervention of a jury and reviewed, approved September 28, 1915.



Be it enacted by the Legislature of Alabama:

Section 1. That section one of an act to regulate and prescribe the method of securing jury trials in civil causes at law and in misdemeanors, and to prescribe how such causes shall be tried without the intervention of a jury and reviewed, approved September 28, 1915, be and the same is hereby amended so as to read as follows: "i. That in all civil causes at law in the circuit court the issue and question of fact shall be tried by the judge of the court without the intervention of a jury unless a jury trial be demanded in writing by the plaintiff at the commencement of the suit, or by the defendant, or any other party occupying the position of defendant, or by claimant, within thirty days after the perfection of service on him. If the plaintiff desires a trial by jury he shall endorse in writing his demand therefor on the summons and complaint, the attachment or other process or paper filed by him for the purpose of instituting the suit or on separate paper. If the defendant, or other person occupying the position of defendant or claimant, desires a trial by jury he shall file a written demand therefor with the clerk of the court within thirty days after the perfection of service on him by endorsing such demand upon his initial pleading or separate paper. In all causes in the circuit court brought by appeal or certiorari from judgments of justices of the peace, or other inferior courts, the issue and question of fact shall be tried by the judge of the court without the intervention of a jury unless a demand for a trial by jury be made in writing and filed in the cause by the party suing out or certiorari within ten days after suing out the same, or filed in the cause by the opposite party within ten days after he has been served with notice of the appeal or certiorari. The failure to demand in writing a jury trial, as herein provided, shall be deemed and held a waiver of the right of a trial by jury, and either party demanding a trial by jury shall not have the right to withdraw such demand without the consent of the opposite party (unless the said opposite party shall be in default).

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A BILL

To be entitled an act to amend section 6300 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama:

Section 1. That section 6300 of the Code of Alabama for 1907, be and the same is hereby amended, so as to read as follows: 6300. Burning insured houses, vessels, etc., or casting away, or destroying boat or vessels. Any person, who, with intent to charge, injure, or defraud the insurer, wilfully burns, or with intent to burn, sets fire to, any building, or property, which, at the time, is insured against fire; or who wilfully burns, or sets fire to, with intent to burn, or sinks, casts away, or otherwise destroys any boat, ship or vessel, with intent to charge, injure, or defraud the owner of such boat, ship or vessel, or of any property on board of the same of the value of \$25.00 or more, or the insurer of said boat, ship or vessel, or property; or any person, who attempts to commit the offense defined by this section, must, on conviction, be punished by imprisonment in the penitentiary, for not less than two years, and not more than ten years.

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A BILL

To be entitled an act concerning arguments, decisions and opinions in the Supreme Court.

Be it enacted by the Legislature of Alabama:

Section 1. That hereafter the Supreme Court may sit and hear arguments and take submissions in sections, but not determine causes in sections. Causes shall be decided by the court as a body by the statutory majority vote, and opinions shall be finally written only after the decisions, in accordance therewith, and by one or more of the concurring majority assigned by the presiding justice to write it.

Section 2. To the extent this act conflict with other laws or rules of court they are hereby repealed.

#### A BILL

To be entitled an act to terminate the rights of the grantee in a timber deed to such timber upon the expiration of the time stipulated in a deed to cut and remove the same, or after the expiration of a reasonable time, if there is no stipulated time in the deed.

Be it enacted by the Legislature of Alabama:

Section 1. That when any person, firm or corporation executes a conveyance of standing timber or timber rights, and provides in such conveyance that the grantee shall have a stipulated time within which to cut and remove the same from the land, all rights of the grantee of such timber in and to the same, then uncut, shall immediately cease and terminate at the expiration of said stipulated time.

Section 2. That when any person, firm or corporation executes a conveyance of standing timber or timber rights, and does not provide therein a stipulated time within which such grantee shall cut and remove the same from the land, all rights of such grantee of said timber in and to the same, then uncut, shall immediately terminate and cease at the expiration of a reasonable time thereafter within which the same, by a reasonable effort, under all the circumstances, may have been cut and removed.

Section 3. That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Mr. Carmichael moved that the reading at length of said report be dispensed with, which motion prevailed, and said report was ordered spread upon the Journal.

Mr. Griffith, from the Recess Judiciary Committee, also presented the following minority report from said committee:

#### MINORITY REPORT.

We do not concur in the majority report of the committee relating to the proposed bill to amend the act creating the Court of Appeals insofar as the bill imposes on the Supreme Court the duty of examining the entire record and the opinion of the Court of Appeals in a case on application for certiorari, and as our reasons for non-concurrence, we submit the following:

##### I.

After thorough investigation of the subject, the committee unanimously concur in the conclusion that the continued existence of the Court of Appeals is essential as an aid to the Supreme Court in the mature consideration and prompt disposition of the appellate business of the State and that any act looking to the abolition or that would impair the dignity and usefulness of the Court of Appeals is unwise and undesirable legislation.

## II.

The bill in question will have a tendency to increase the number of applications for certiorari and to compel an original examination of the record in each case where certiorari is applied for by the Supreme Court, thereby giving to litigants in the class of cases over which the Court of Appeals has been given final jurisdiction an undue advantage over litigants in the class of cases over which the Supreme Court exercises exclusive jurisdiction, and will have a tendency to congest rather than relieve the dockets of the Supreme Court. To illustrate: One convicted of a misdemeanor, after appeal to the Court of Appeals, if his case is adversely decided, will be given, in effect, a second appeal and the right to have his case reviewed by the Supreme Court as an original proposition. On the other hand, a felon, convicted and sentenced to death, is confined to one appeal to the Supreme Court. The same condition would apply to every case over which the Court of Appeals has jurisdiction.

In our judgment, this is contrary to the spirit of the provision of the Constitution under which the Court of Appeals was created, which we here quote:

"Except in cases otherwise directed in the Constitution (jurisdiction over impeachment proceedings, under § 174) the Supreme Court shall have appellate jurisdiction only, which shall be co-extensive with the State, under such restrictions and regulations not repugnant to the Constitution, as may from time to time be prescribed by law, except where jurisdiction over appeals is vested in some inferior court, and made final therein."—Const. 1901, § 140.

The quoted provision of the Constitution undoubtedly contemplated and intended that the appeal to the Court of Appeals, created thereunder, should be final. As pertinent to this question, we quote from the opinion of the Supreme Court, speaking through Chief Justice Anderson, in *Ex Parte L. & N. R. R. Co.*, 176 Ala. 634-5:

"The power of this court to superintend and control the Court of Appeals should be exercised sparingly and with great caution, and so as not to hamper said court in the legitimate discharge of its duties and functions, so as to render it a burden instead of a relief to this court. It was not intended that the Court of Appeals should be merely a temporary stopping place for cases from the trial courts to this court, but that its decisions should be final and not interfered with by this court when acting within the confines of its jurisdiction, and not in conflict with the former adjudications of this court."

And from the opinion of Mr. Justice Sayre, in the same case:

"The reported cases show that these questions have led to great embarrassment, well known to the framers of our Constitution of 1901, and they, appreciating the necessity of relief to the Supreme Court, and that a Court of Appeals of merely intermediate jurisdiction would incumber rather than relieve the system, provided that the Legislature might curtail the number of cases seeking the Supreme Court by diverting some of them to an inferior court of appeals whose dispositions might be final. That was a wise solution of the difficulties of the situation, and all the significance, wisdom, and effect of the innovation is to be found in the word 'final.' \* \* \*

"The chief value of the Supreme Court lies in its power to shape the jurisprudence of the State, in the fact that it is a tribunal in which the general principles of law may be settled upon through discussion, mature consideration and deliberate conference; that the burden of a huge docket of causes brought to this court by an excess of jurisdiction and by the contentions incident to the rapid development of the political and business interests of a great commonwealth, induced perhaps a degree of haste, certainly

an undue pressure of responsibility in the consideration and formulations of opinions, which furnished the occasion and the reason for a change in the Constitution (authorizing the establishment of an appellate court) and the enactment of a law creating an inferior appellate jurisdiction whose decisions might be final, and that, to the extent the decisions of the Court of Appeals are deprived of finality, the value in one sense of both courts will be impaired."

As indicated by the opinion of the Supreme Court in the case above quoted from, and by the unanimous holding of that court in other cases, notably *Independent Publishing Co. v. American Press Association*, 102 Ala. 475, review by common law certiorari, under the provisions of § 140 of the Constitution, and its predecessors, of inferior courts, has been limited to the question of jurisdiction.

Therefore, believing, as we do, that the enactment of the proposed bill into a law will, in effect, give to parties in cases over which the Court of Appeals has jurisdiction two appeals, and will tend to impair the dignity and usefulness of the Court of Appeals, burden the Supreme Court with useless applications for certiorari, imposing on that court the duty of making an original investigation and examination of the record, contrary to the spirit of the provisions of the Constitution under which the Court of Appeals was created, we most respectfully submit this minority report, recommending that said bill be not enacted into law, and proposing as a substitute the following:

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#### A BILL

To be entitled an act to limit the right of parties in cases decided by the Court of Appeals to review the decision and judgment of said Court of Appeals on application for the writ of certiorari in the Supreme Court, to the question of the jurisdiction of the Court of Appeals to hear and determine said cause on appeal.

Section 1. Be it enacted by the Legislature of Alabama, That hereafter the right of parties to a cause appealed to and decided by the Court of Appeals of Alabama to review the decision and judgment of said Court of Appeals on application for the writ of certiorari in the Supreme Court shall be limited to the question of the jurisdiction of the Court of Appeals to hear and determine such cause.

Section 2. Be it further enacted, That all laws and parts of laws in conflict herewith are hereby repealed.

Respectfully submitted,

A. A. Griffith,  
Marion H. Sims,  
A. M. Tunstall,  
D. B. Cobbs.

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#### A BILL

To be entitled an act to limit the right of parties in cases decided by the Court of Appeals to review the decision and judgment of said Court of Appeals on application for the writ of certiorari in the Supreme Court, to the question of the jurisdiction of the Court of Appeals to hear and determine said cause on appeal.

Section 1. Be it enacted by the Legislature of Alabama, That hereafter the right of parties to a cause appealed to and decided by the Court of Appeals of Alabama to review the decision and judgment of said Court of Appeals on application for the writ of certiorari in the Supreme Court shall

be limited to the question of the jurisdiction of the Court of Appeals to hear and determine such cause.

Section 2. Be it further enacted, That all laws and parts of laws in conflict herewith are hereby repealed.

On motion of Mr. Carmichael, the reading at length of said report was dispensed with and same ordered spread on the Journal.

#### REPORT OF THE COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Griffith, chairman of the Committee on Revision of the Journal, reported that said committee, in session, had examined the journals of the Senate for the 22nd, 23rd, 24th and 25th legislative days of the session, and found same contains the proper entries in reference to each bill and resolution contained therein, as required by the Constitution.

A. A. Griffith,  
Chairman.

#### COMMITTEE REPORT.

The foregoing report from the Committee on Revision of the Journal was read, and on motion of Mr. Griffith the same was adopted and the Journals of the Senate of the 22nd, 23rd, 24th and 25th legislative days of the session were approved by the Senate.

#### RESOLUTION.

Mr. Acker offered the following resolution:

S. J. R. 95. Resolved by the Senate, the House concurring, that when the Legislature adjourns today it be till Tuesday, July 22, 1919, at two o'clock P. M.

#### RESOLUTION ADOPTED.

On motion of Mr. Acker the rules were suspended and the foregoing resolution was adopted.

#### BILLS ON THIRD READING.

The bill:

S. 197. To regulate and prescribe the sale of illuminating fuel and other oils, and gasoline in this State, and to prescribe punishment for the violation of this act.

Was taken up.

The following substitute offered by Mr. Morris, to-wit:

## A BILL

To be entitled an act to regulate and prescribe the sale of gasoline, benzine, naphtha, and other liquid motor fuels, in this State, and to provide for the enforcement of this act.

Be it enacted by the Legislature of Alabama:

1. That any person, firm or corporation selling or offering for sale, at retail, any gasoline, benzine, naphtha, and other liquid motor fuels, in this State, shall post in a conspicuous place in their places of business, a printed or written statement, containing a list of the several oils or gasoline offered for sale, giving the popular name by which known, and the distillation test of each several brand, together with the price at which offered for sale.

2. That any gasoline, benzine, naphtha and other liquid motor fuels, advertised by any dealer in such commodities, shall conform to the posted statement as required in the preceding section, and any of such commodities sold or offered for sale by them as advertised, falling below the test indicated in such advertisement, or if an inferior grade is sold at the price of a higher grade, shall subject the dealer or seller to punishment as for a misdemeanor.

3. That it is hereby made the duty of the sheriff to visit the places of business of all retailers, filling stations or dealers in gasoline, benzine, naphtha, and other liquid motor fuels, in their respective counties, from time to time, for the purpose of determining whether the provisions of this act are being complied with; and, when a legal standard has been fixed for such liquid motor oil, he is authorized to take samples where he suspects violation of the law, such samples to be forwarded to the State chemist at Auburn for analysis as provided in section 4. On conviction for violation of this act by any person, in addition to his usual fees in such cases, the sheriff shall be entitled to an additional fee of ten dollars, but he shall receive no fees for general inspection.

4. That any person who shall purchase any gasoline, benzine, naphtha, and other liquid motor fuels from any retailer, filling station or dealer in such commodities, is hereby empowered to forward, postage or express prepaid samples of the oil or gasoline so purchased to the State chemist, such sample to be taken within twenty-four hours, in the presence of two disinterested witnesses, and sealed and certified by them as taken in accordance with the provisions hereof, such certification to be signed and attached to the container in which forwarded. The State chemist, on receipt thereof, is hereby required to test the same to ascertain whether it conforms to the legal standard, or to the advertised distilla-

tion test, and a copy of his certificate shall, within ten days, be furnished the person sending sample, and also to the sheriff of the county from which forwarded. If on comparison of the certificate with the posted statement, or with the advertisement, it shall appear that the retailer or dealer has violated the provision hereof, it shall be the duty of the sheriff to institute proceedings hereunder.

5. That any retailer, owner of a filling station, or dealer in gasoline, benzine, naphtha, and other liquid motor fuels, who shall make a false measurement, or who shall charge and collect for more than is actually delivered, shall be guilty of a misdemeanor.

6. That any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten dollars nor more than fifty dollars, and for a second violation shall be fined not less than one hundred dollars, and for such second offense may also be punished by imprisonment or put to hard labor for the county for not exceeding six months.

Was adopted.

Yeas, 19; Nays, 1.

Yeas:

Messrs:

Baker	Carmichael	Harper	Sims
Beale	Cowan	Leith	Smith (Coosa)
Bedsole	Craft	Moore	Smith (Lawrence)
Brown	Ellis	Rogers (Lauderdale)	Tally
Carlton	Evins	Rogers (Sumter)	

—19

Mr. West—1.

Mr. Rogers of Sumter, moved that the further consideration of said bill be postponed until next Tuesday, which motion prevailed and the further consideration of said bill was postponed until next Tuesday.

The bill:

S. 270. To authorize the court of county revenues of Dallas county to issue interest bearing warrants or certificates to holders of claims against Dallas county contracted prior to July, 1918, and ratifying and confirming the action of said court of county revenues in authorizing the issuance of certain interest bearing warrants prior to July 1st, 1918, and validating the warrants issued for certain purposes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

*Yeas :*

Messrs:

Acker	Carmichael	Huddleston	Rogers (Lauderdale)
Baker	Cowan	Kelly	Sims
Beale	Craft	Miller	Smith (Coosa)
Bedsole	Ellis	Moore	Smith (Lawrence)
Briscoe	Griffith	Morris	Tally
Butler	Gunter	McDowell	West
Carlton	Harper	Prestwood	

—27

*Nays :—None.*

The bill:

S. 238. To provide for and regulate the use of grand and petit juries for the criminal divisions of all circuit courts of this State, holding at the county site, in all circuits which are now or may hereafter be composed on only one county and in which there are now or may hereafter be provided more than three judges, independent of an separate and apart from the juries for the other divisions of such courts, and to regulate the transfer of juries from civil to criminal divisions thereof, and from criminal to civil divisions thereof.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

*Yeas :*

Messrs:

Acker	Carmichael	Leith	Rogers (Lauderdale)
Baker	Craft	Miller	Rogers (Sumter)
Beale	Ellis	Moore	Sims
Bedsole	Evins	Morris	Smith (Lawrence)
Briscoe	Griffith	Phillips	Tally
Butler	Harper	Prestwood	West
Carlton			

—25

*Nays :—None.*

The bill:

S. 245. To repeal an act entitled "An act to provide for and regulate the compensation of State witnesses in all courts of record for Covington county, exercising criminal jurisdiction and to provide for the payment of same," approved August 20th, 1915.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas :*

Messrs:

Acker	Briscoe	Carmichael	Griffith
Beale	Butler	Craft	Harper
Bedsole	Carlton	Ellis	Leith



Miller	Phillips	Rogers (Sumter)	Smith (Lawrence)
Moore	Prestwood	Sims	Tally
McDowell	Rogers (Lauderdale)	Smith (Coosa)	West

—24

*Nays*:—None.

The bill:

S. 287. To amend section 6967 of the Code—relates to hunters' licenses.

Was read a third time at length and passed.

Yeas, 24; Nays, 2.

*Yeas*:

Messrs:

Acker	Carmichael	Harper	Rogers (Lauderdale)
Beale	Cowan	Huddleston	Rogers (Sumter)
Bedsole	Craft	Miller	Sims
Briscoe	Ellis	Moore	Smith (Lawrence)
Butler	Evins	McDowell	Tally
Carlton	Griffith	Phillips	West

—24

*Nays*:

Messrs:

Leith Morris

—2

## BILLS ON THIRD READING RESUMED.

The bill:

S. 319. To amend section 153 of the Code of 1907.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

*Yeas*:

Messrs:

Acker	Carmichael	Leith	Rogers (Lauderdale)
Baker	Cowan	Miller	Rogers (Sumter)
Beale	Craft	Moore	Sims
Bedsole	Evins	Morris	Smith (Coosa)
Briscoe	Griffith	McDowell	Smith (Lawrence)
Brown	Gunter	Phillips	Tally
Butler	Harper	Prestwood	West
Carlton	Huddleston		

—30

*Nays*:—None.

The bill:

S. 277. To prohibit live stock from running at large after January 1st, 1920, in all counties having a population of not less than thirty thousand nine hundred and not exceeding thirty thousand nine hundred and seventy-five, according to the last or any subsequent Federal census, to provide for its enforcement and fix penalties for its violation.

Was read a third time at length and passed.  
Yeas, 23; Nays, 0.

*Yeas:*

*Messrs:*

Acker	Carmichael	Harper	Sims
Baker	Cowan	Miller	Smith (Coosa)
Beale	Craft	Moore	Smith (Lawrence)
Bedsole	Evins	Prestwood	Tally
Butler	Griffith	Rogers (Lauderdale)	West
Carlton	Gunter	Rogers (Sumter)	

—23

*Nays:—None.*

The bill:

S. 244. To repeal an act entitled "An act to make mandatory the working of the male county convicts of Covington county on the public roads, bridges and public works of said county, and providing therefor," approved Sept. 10th, 1915.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

*Messrs:*

Acker	Carlton	Harper	Sims
Baker	Carmichael	Miller	Smith (Coosa)
Beale	Cowan	Moore	Smith (Lawrence)
Bedsole	Craft	Phillips	Tally
Briscoe	Evins	Prestwood	West
Butler	Griffith	Rogers (Lauderdale)	

—23

*Nays:—None.*

The bill:

S. 329. To provide for and fix the compensation to be allowed the sheriff and circuit clerk of Covington county for all official duties for the compensation of which no express provision is made by law; and to provide how the court of county commissioners of Covington county shall fix and allow said compensation and to regulate the same; to provide for the repeal of all laws, local, special or general in conflict therewith insofar as they relate to the compensation of the sheriff and circuit clerk of Covington county.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

*Yeas:*

*Messrs:*

Acker	Briscoe	Craft	Harper
Baker	Butler	Evins	Huddleston
Beale	Carlton	Griffith	Leith
Bedsole	Carmichael	Gunter	Miller

Moore	Phillips	Sims	Tally
Morris	Prestwood	Smith (Coosa)	West
McDowell	Rogers (Lauderdale)	Smith (Lawrence)	

—27

*Nays*:—None.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House accedes to the request of the Senate for the return of:

H. 182. To prohibit the keeping, exhibiting or operating of pool or billiard tables, on which the public can play, outside incorporated cities and towns having a police force.

And herewith returns the same.

Fred H. Gormley,  
Clerk.

## HOUSE MESSAGE.

The foregoing House message was taken up and Mr. Acker offered the following amendment to the bill:

H. 182. To prohibit the keeping, exhibiting or operating of pool or billiard tables, on which the public can play, outside incorporated cities and towns having a police force.

Amend House bill No. 182:

By adding after the end of said bill the following words, viz.:

"And provided also that it shall not apply to pool or billiard table kept or operated at any military camp of the United States or within one-fourth of a mile of such military camp."

On motion of Mr. Leith the said bill with amendment was ordered re-referred to the Committee on Judiciary and said bill with amendment was re-referred to the Standing Committee on Judiciary.

## REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills beg leave to report that said committee, in session, have examined and compared the following engrossed bills, with the originals, and find same correctly engrossed, to-wit:

S. 192. To provide that the clerk of the circuit court in each of the respective counties in this State shall be ex-officio the clerk of the county court in such county; to fix his duties as such ex-officio clerk and to provide for his compensation.

S. 220. To define the jurisdiction of justices of the peace and notaries public who are ex-officio justices of the peace in precinct

one in Cullman county, and to provide for the service of process from their courts.

S. 296. To authorize W. J. Lee, E. E. Etheredge, and R. N. Streater, and their successors in office, as trustees of public school district No. 59 in the town of Town Creek, Lawrence county, Alabama, to execute a mortgage and borrow money on the real estate belonging to said trustees and their successors in office, in the town of Town Creek, Lawrence county, Alabama.

S. 297. To ratify and confirm an election held by the qualified voters of the town of Town Creek in Lawrence county, Alabama, on the 15th day of April, 1918, for the purpose of ascertaining whether or not said town would issue bonds in the sum of \$5,000 to draw interest at the rate of 5% per annum, and to further authorize the mayor and aldermen of the town of Town Creek, Lawrence county, Alabama, to sell said bonds, and to use the money and proceeds of the sale of said bonds in the erection and equipping of a school house in the town of Town Creek, Lawrence county, Alabama, known as school district No. 59, which school building is to be used for the benefit of the children of the town of Town Creek, Lawrence county, Alabama.

S. 298. To further provide for improvement and maintenance of the public roads and bridges of Henry county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service, and levy and collect a vehicle tax and to provide penalty for violations of and failures to comply with provisions created under authority of this act.

S. 299. To authorize the court of county commissioners of Henry county, Alabama, to settle, adjust and refund, or either, the outstanding unpaid indebtedness against said county, by directing all or any portion of the surplus funds thereof on hand, disbursed in payment of all or any portion of the matured part of said indebtedness, and authorize the issuance of interest-bearing warrants of said county for the remainder of any portion thereof of said indebtedness, also authorize such warrants to issue for all or any part of the outstanding unpaid unmatured indebtedness against said county, providing to such warrants the same protection to which said indebtedness is entitled, in order that the income of said county, after defraying current governmental expenses, may be arranged to pay said indebtedness. By Mr. Espy:

S. 300. To prescribe the maximum limit for the principal of unpaid outstanding indebtedness against Henry county, Alabama, not to exceed at any time.

S. 313. To amend section 1 of an act entitled "An act creating and establishing the juvenile court of Mobile county, and defining its powers and jurisdiction; providing for the process and procedure of said court; for the equipment of said court; for officers of said court and their salaries and defining their powers and providing a commission to aid in carrying out the work of the court and prescribing its duties."

R. B. Evins,  
E. C. T.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate S. J. R. 95, relative to adjournment until Tuesday at 2 o'clock P. M.

And returns same to the Senate.

Fred H. Gormley,  
Clerk.

Mr. Carmichael moves that the Senate remain in session until 1 o'clock P. M., which motion prevailed.

#### CONSIDERATION OF RESOLUTION.

The resolution:

S. J. R. 80. Relative to the creation of a joint committee consisting of one from the Senate and two from the House to consider the question of supervision, care, maintenance and control of county almshouses in the State.

Was read a third time at length and lost.

Yeas, 13; Nays, 16.

*Yeas:*

Messrs:

Acker	Butler	Craft	Phillips
Bedsole	Carlton	Gunter	Sims
Briscoe	Cowan	Miller	Smith (Coosa)
Brown			—13

*Nays:*

Messrs:

Baker	Evins	Moore	Rogers (Lauderdale)
Beale	Griffith	Morris	Smith (Lawrence)
Carmichael	Harper	McDowell	Tally
Ellis	Huddleston	Prestwood	West
			—16

#### ORDER TO PRINT.

On motion of Mr. Sowan, the Secretary was directed to have 1,000 copies of:

S. 353. To revise and improve the public health laws of Alabama by amending article 1 of chapter 22, of the Code of Alabama of 1907, and sections 1632 and 1636 of said Code.

Printed for the use of the Senate.

BILLS ON THIRD READING RESUMED.

The bill:

S. 312. To require the city of Mobile to pay one-half of the annual expenses of the juvenile court of Mobile county and of the detention homes for delinquent juveniles of Mobile county, including the salary of the judge of said court, the salaries of the probation officer, the salary of the humane officer, the salaries of the superintendent, matron and other employees necessary for the care of the detention homes for juvenile delinquents of Mobile county and the expense of providing and maintaining of detention homes for juvenile delinquents of Mobile county and the expense incident to the upkeep of the humane officer's automobile.

Was taken up.

The following substitute offered by Mr. Craft for said bill, to-wit:

Substitute for Senate bill No. 312, by Mr. Craft:

A BILL

To be entitled an act to require the city of Mobile to pay one-half of the annual expenses of the juvenile court of Mobile county and of the detention homes for delinquent juveniles of Mobile county, including the salary of the judge of said court, the salaries of the probation officer, the salaries of the superintendent, matron and other employees necessary for the care of the detention homes for juvenile delinquents of Mobile and the expense of providing and maintaining of detention homes for juvenile delinquents of Mobile county.

Be it enacted by the Legislature of Alabama:

1. That the board of revenue and road commissioners of Mobile county shall cause to be kept an accurate and true account of the amounts annually expended (meaning from the date of the passage and approval of this act) by the county of Mobile in the payment of the salary of the judge of the juvenile court of Mobile county, the salary of the probation officer or officers of said court, the salaries of the superintendent, matron and assistants of the detention homes for juvenile delinquents of Mobile county and the expenses of providing and maintaining detention homes for juvenile delinquents of Mobile county. And it shall be the duty of the city of Mobile, after an examination of said ac-

count, which must be made within thirty days after same is presented to the board of city commissioners of Mobile city, or other governing officers of the said city of Mobile, to pay one-half of said account to the county of Mobile.

2. That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

3. That this act shall take effect and be in force on and after its approval.

Was adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Beale	Carmichael	Harper	Rogers (Lauderdale)
Bedsole	Cowan	Leith	Sims
Briscoe	Craft	Moore	Smith (Coosa)
Brown	Ellis	Morris	Smith (Lawrence)
Butler	Griffith	McDowell	Tally
Carlton	Gunter	Phillips	West

—24

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs:

Baker	Carmichael	Huddleston	Rogers (Lauderdale)
Beale	Craft	Leith	Sims
Bedsole	Ellis	Moore	Smith (Coosa)
Briscoe	Griffith	McDowell	Smith (Lawrence)
Brown	Gunter	Phillips	Tally
Butler	Harper	Prestwood	West
Carlton			

—25

Nays:—None.

The bill:

S. 248. To amend section 6112 of the Code of 1907.

Was read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs:

Baker	Carmichael	Leith	Sims
Bedsole	Cowan	Moore	Smith (Coosa)
Briscoe	Craft	McDowell	Smith (Lawrence)
Brown	Ellis	Phillips	Tally
Butler	Huddleston	Prestwood	West
Carlton			

—21

Nays:—None.

The bill:

S. 231. To provide for a judge of the county court, fix his compensation, provide for a clerk of such court and fix his compensation, and also fix the compensation of the sheriff for services in such court in all counties having a population of more than 37,900 and less than 38,000 according to the Federal census of 1910 and to provide for the payment of the same.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs:

Baker	Carlton	Harper	Sims
Beale	Craft	Huddleston	Smith (Coosa)
Bedsole	Ellis	Leith	Smith (Lawrence)
Briscoe	Evins	Moore	Tally
Brown	Griffith	Phillips	West
Butler	Gunter		

—22

Nays:—None.

The bill:

S. 170. Authorizing and empowering municipalities in the State of Alabama to own, construct, lease, and operate electric street railways, interurban electric railways, and electric lighting and power plants, and hydro-electric power plants, and authorizing municipalities in this State to co-operate and combine and make contracts with each other and with municipalities in other states in the ownership, construction, leasing and operation of electric street railways, electric interurban railways and electric lighting and power plants and hydro-electric power plants; authorizing municipalities to purchase, acquire or lease existing interurban railways, and street railway systems; authorizing municipalities to mortgage electric street railways and interurban railways and power plants and to pledge the revenues derived therefrom, and to issue bonds, secured by such mortgages and pledges; providing for a system of allotting and prorating the cost of electric interurban railways; providing for the election of commissioners by municipal governing bodies to represent such municipalities in the ownership, construction, leasing and management of interurban railways; providing that such commissioners shall keep a public record of their proceedings and publish the same, and providing for the exercise of the right of eminent domain by municipalities or by commissioners representing such municipalities.

Mr. Rogers of Sumter, moved that the further consideration of this bill be postponed until the 30th legislative day at 11 o'clock



and that said bill be made a special order for 11 o'clock on said 30th legislative day, which motion prevailed, and the further consideration of said bill, S. 170, was postponed until the 30th legislative day of the session at 11 o'clock, and made a special order for 11 o'clock on said 30th legislative day.

#### ADJOURNMENT.

At 1:10 o'clock P. M., on motion of Mr. Rogers of Sumter, and pursuant to Senate joint resolution No. 95, heretofore adopted, the Senate adjourned until Tuesday, July 22nd, 1919, at 2 o'clock P. M.

#### TWENTY-EIGHTH DAY.

Tuesday, July 22nd, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

#### PRAYER.

By Rev. Dr. Beale of the Senate.

#### ROLL CALL.

##### Present:

Mr. President and

Messrs:

Baker	Craft	Kelly	Prestwood
Beale	Ellis	Leith	Rogers (Lauderdale)
Bedsole	Espy	Miller	Rogers (Sumter)
Briscoe	Evins	Moore	Sims
Brown	Griffith	Morris	Smith (Coosa)
Butler	Gunter	McDowell	Tally
Carlton	Harper	Phillips	West
Carmichael			

—29

#### JOURNAL.

On motion of Mr. Gunter the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 493. To amend section 6 of an act entitled "An act to provide for elections to authorize any county in the State to levy

and collect a special county tax for public school purposes not to exceed thirty (30) cents on each one hundred (\$100) dollars worth of taxable property in such county; to authorize any school district in any county that may be levying special county taxes for school purposes of not less than thirty (30) cents on each one hundred dollars (\$100) worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100) worth of taxable property in such school district; and to authorize boards of education to issue interest bearing warrants to erect, repair and equip school buildings, and to otherwise improve school facilities;" approved February 13, 1919.

Also:

H. 275. To provide for the fencing or closing in of unused wells, cisterns or mining shafts in this State.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 493. To the Committee on Education.

H. 275. To the Committee on Revision of Laws.

#### INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Griffith:

S. 355. To prescribe the commission or compensation that insurance corporations doing the business of fire, fire and casualty, workmen's compensation and employers' liability insurance may pay agents and employers for the acquisition of risks and renewal of policies in this State; regulating the inspection of risks, and providing penalties for violation hereof.

Banking and Insurance.

Also:

S. 356. To make the clerk of the circuit court of Cullman county, Alabama, ex-officio clerk of the county court of said county and to define his duties and to provide for his fees and compensation.

Local Legislation.

(With notice and proof attached and herewith exhibited as follows:)

### AN ACT

A bill to be entitled an act to make the clerk of the circuit court of Cullman county, Alabama, ex-officio clerk of the county court of said county and to define his duties and to provide for his fees and compensation.

Section One. Be it enacted by the Legislature of Alabama that from and after the passage of this act the clerk of the circuit court of Cullman county, Alabama, shall be ex-officio clerk of the county court of said county and shall perform all duties of the clerk of said county court and shall attend all sessions of said county court, and shall issue all subpoenas, and attachments for witnesses and all other process for said court, and shall keep a record of all proceedings of said county court in the same manner as required for the record of similar proceedings in the circuit court.

Section Two. That the clerk of the circuit court of said county shall receive for his services as ex-officio clerk of the county court of said county, the same fees and compensation as for similar services in the circuit court of said county, to be taxed, collected, and paid in the same manner as provided by law, or which may hereafter be now provided by law, as for similar services in the circuit court of said county.

Section Three. That all laws or parts of laws, both general and special in conflict with the provisions of this act be and the same are hereby repealed.

O. S. Roden.

The State of Alabama, {  
Cullman County. }

Before me, Paine Denson, a notary public in and for said county and State, personally appeared Joseph R. Rosson, publisher of The Cullman Democrat, a weekly newspaper published in Cullman, Cullman county, Alabama, and being duly sworn, says that the notice of which the attached is a true copy, was published in said newspaper, once a week, for thirty day, or four successive weeks and being in the issues of said newspaper of the following dates, viz: June 19, 26, July 3, 10, 1919.

Mrs. J. R. Rosson,  
Publisher.

Sworn to and subscribed before me this the 21st day of July, 1919.

(Seal.)

Paine Denson,  
Notary Public.

By Mr. Briscoe:

S. 357. To designate certain described roads as State trunk road for Alabama.

Public Roads and Highways.

By Mr. Bealle:

S. 358. To amend sections 1 and 4 of an act, approved April 18, 1911, and entitled "An act to regulate the mining of coal in Alabama."

Mining and Manufactories.

By Mr. Leith:

S. 359. To amend section one of an act entitled "An act to create a county highway commission for Walker county, Ala-

bama, and to define the powers and duties thereof," approved February 15th, 1919.

Public Roads and Highways.

(With notice and proof attached and herewith exhibited as follows:)

A LOCAL LAW.

Notice is hereby given that application will be made at the present session of the Legislature of Alabama to amend section 1 of an act entitled, "An act to create a county highway commission for Walker county, Alabama, and to define the power and duties thereof," approved by the Legislature of Alabama on the 15th day of February, 1919, so as to read as follows:

Be it enacted by the Legislature of Alabama that section 1 of an act entitled, "An act to create a county highway commission for Walker county, Alabama, and to define the powers and duties thereof," approved by the Legislature on the 15th day of February, 1919, be amended so as to read as follows:

Section 1. That a county highway commission for Walker county, to consist of three members, who shall be freeholders and residents in said county, is hereby created and established. The governor shall designate the members to be chairman of the said commission. One member of the commission shall hold office for two years, and until his successor is appointed and qualified; one member shall hold office for four years and until his successor is appointed and qualified; and one member shall hold office for six years and until his successor is appointed and qualified. Provided further that the two members of the commission now serving shall continue to hold office until the expiration of their terms and until their successors are appointed and qualified. Provided further that the member of the commission to be appointed under this section shall hold office for a term ending six years from the date of the approval of this amendment and until his successor is appointed and qualified. All vacancies occurring in said commission shall be filled by appointment of the governor. Each member of the commission shall hold office until his successor shall be appointed and qualified. Upon the approval of this amendment the governor shall appoint the third member of said commission as herein provided for.

E. W. Long.

The State of Alabama, }  
Walker County. }

Before me, the undersigned authority in and for said State and county, this day personally appeared L. S. Richardson, publisher of The Mountain Eagle, a weekly newspaper published at Jasper, county of Walker, State of Alabama, who being duly sworn, says that the attached notice was published in the Mountain Eagle for four issues, namely: June 11th, 18th, 25th and July 2nd, 1919.

L. S. Richardson,  
Publisher.

Sworn to and subscribed before me, this 5th day of July, 1919.

J. T. Cain,  
Notary Public.  
July 30, 1919.

By Mr. Gunter:

S. 360. To prevent unnecessary delay in the preparation and trial of actions.

Judiciary.

Also:

S. 361. To prescribe the term of training for nurses in hospitals and schools in Alabama, and the method of certification as such.

Public Health.

Also (by request):

S. 362. To regulate the sale and installation of lightning rods in the State of Alabama; to prescribe the duties of the insurance commissioner in issuing licenses and passing upon the qualifications of applicants therefor; to prescribe the sum of such licenses; to fix the penalty for violation of this act, and to otherwise regulate the same.

Finance and Taxation.

By Mr. Evins (by request):

S. 363. To permit public telegraph companies to operate lines of telegraph along any of the railroads or other public highways in the State of Alabama.

Judiciary.

By Mr. Craft:

S. 364. To amend section 4242 (2112) of the Code of Alabama, 1907.

Agriculture.

By Mr. McDowell:

S. 365. To divide Barbour county into six districts to be known as board of revenue districts, and to provide for the election of a member of the board of revenue of Barbour county from each district, by the qualified voters of each district, and also one member of the board of revenue from the county at large.

Judiciary.

(With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE.

There will be introduced at the July session of the Legislature of Alabama the following bill:

#### AN ACT

To be entitled an act to divide Barbour county into six districts to be known as boards of revenue districts, and to provide for the election of a member of the board of revenue of Barbour county from each district by the qualified voters of each district, and also one member of the board of revenue from the county at large.

Section One. Be it enacted by the Legislature of Alabama, That Barbour county be and is hereby divided into 6 districts to be known as boards of revenue districts, composed respectively as follows:

The first district to be composed of beats 2, 3 and 4; the second district to be composed of beats 1, 5 and 14; the third district to be composed of

beats 6, 7 and 8; the fourth district to be composed of beats 9, 10 and 15; the fifth district to be composed of beats 11 and 16; the sixth district to be composed of beats 12 and 13; and each district shall have one member of the board of revenue of Barbour county, who shall be elected by the qualified voters of the several districts, each district electing its own member of the board of revenue.

Section Two. That at the general election to be held in 1920 and every 6 years thereafter, there shall be elected by the qualified voters in districts numbers 1, 2, 5 and 6, a member each from their respective districts, each district voting separately for its own representative, and at the general election to be held in 1924, and every 6 years thereafter, there shall be elected by the qualified voters in districts three and four, a member each from their respective districts, that in the general election to be held in 1920, and every six years thereafter there shall be elected by the qualified voters of the county one member from the county at large, and these seven members shall constitute the board of revenue of Barbour county.

Section Three. Those members of the said board of revenue that are elected at the general election in 1920, shall be the successors of the members of the present board of revenue whose terms of office next expire, and those members of the said board of revenue that are elected at the general election in 1924 shall be the successors of the present board of revenue who were elected in 1918.

Section Four. That the terms of office of the board of revenue of Barbour county as provided herein, shall be for a term of six years from the day after their election, and until their successors are elected and qualified.

Section Five. That the members of the board of revenue from the several districts as herein provided shall actually reside in the district from which they are elected, during their continuance in office, and a removal from the district from which they were elected will vacate their office. The member from the county at large may reside anywhere in the county. The board of revenue of Barbour county shall consist of the seven members here in provided for, one each from the six respective districts, to be elected by the qualified voters of the district, and one from the county at large, to be elected by the qualified voters of Barbour county.

Section Six. That all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

The State of Alabama, }  
Barbour County. }

I, Thomas G. Wilkinson, editor and proprietor of the Eufaula Times and News, a newspaper published in Eufaula, Barbour county, Alabama, do hereby certify that the attached publication of notice relative to the change in the board of revenue of Barbour county, was duly published in the said Eufaula Times and News for four consecutive weeks prior to this date, and that the same appeared in the issue of June 26th, 1919, July 3d, 10th, and 17th, 1919, as required by section 106 of the Constitution of the State of Alabama of 1901.

July 22nd, 1919.

Thos. G. Wilkinson,  
Editor and Proprietor of the Eufaula Times and News.

Sworn to and subscribed before me, this the 22nd day of July, A. D., 1919.

(Seal.)

Chas. McDowell,  
Notary Public.

By Mr. Briscoe:

S. 366. To regulate the committing of persons to institutions for delinquent children and to institutions designed for the reformation and correction of fallen girls.

Revision of Laws.

By Mr. Griffith:

S. 367. To provide for the payment and retirement of claims against the fine and forfeiture fund of Cullman county, Ala.

Local Legislation.

(With notice and proof attached and herewith exhibited as follows:

### NOTICE.

Notice is hereby given that the following bill will be introduced at the present session of the Legislature of Alabama:

### BILL

To be entitled "An act to provide for the payment and retirement of claims against the fine and forfeiture fund of Cullman county, Alabama."

Be it enacted by the Legislature of Alabama:

Section 1. That the court of county commissioners of Cullman county are hereby authorized, and it is hereby made their duty from time to time to accept tenders for the sale of any and all outstanding officer's claims against the fine and forfeiture fund of said county; to fix the date upon which payment shall be made for all claims so tendered and accepted. All such tenders shall be in writing, shall state the amount of claims offered, and the lowest price at which the party offering the same will sell to the county, and all such tenders shall be open to public inspection, and shall not be accepted by the court of county commissioners except in sessions open to the public, and at the lowest price offered.

Section 2. That the court of county commissioners is hereby authorized and it is made their duty to purchase all claims tendered to it, as provided in section 1 of this act, at a price not exceeding sixty cents on the dollar, and to pay for the same in cash out of the general fund of the treasury of the county; or may issue to parties tendering such claims in lieu of cash payment warrants on the county treasury of said county, which may bear interest from date at a rate not exceeding four per cent. per annum, payable semi-annually, provided the total amount of such warrants maturing in any one year shall not exceed three thousand dollars, and provided that such warrants shall not run for a longer period than five years from date of issue.

Section 3. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Asa B. Fuller.  
O. S. Roden.  
A. A. Rollo,  
G. C. Scheuing.  
C. C. Yearwood.

The State of Alabama, }  
Cullman County. }

Before me, E. A. Schwarz, a notary public in and for said county and State, personally appeared J. C. Norwood, publisher of the Cullman Tribune, a weekly newspaper published in Cullman, Cullman county, Alabama,

and being duly sworn, says the notice of which the attached is a true copy, was published in said newspaper, once a week for four successive weeks and being in the issues of said newspaper of the following dates, viz., February 6th, 13th, 20th and 27th, 1919.

J. C. Norwood,  
Publisher.

Sworn to and subscribed before me this the 21st day of July, 1919.

(Seal.)

E. A. Schwarz,  
Notary Public.

#### REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Committee on Engrossed Bills begs leave to report that said committee, in session, have compared the following engrossed bills with the original bills and find same correctly engrossed, to-wit:

S. 231. To provide for a judge of the county court, fix his compensation, provide for a clerk of such court and fix his compensation, and also fix the compensation of the sheriff for services in such court in all counties having a population of more than 37,900 and less than 38,000 according to the Federal census of 1910 and to provide for the payment of the same.

S. 238. To provide for and regulate the use of grand and petit juries for the criminal divisions of all circuit courts of this State, holding at the county site, in all circuits which now are or may hereafter be composed of only one county and in which there are now or may hereafter be provided more than three judges, independent of and separate and apart from the juries for the other divisions of such courts, and to regulate the transfer of juries from civil to criminal divisions thereof, and from criminal to civil divisions thereof.

S. 244. To repeal an act entitled "An act to make mandatory the working of the male county convicts of Covington county on the public roads, bridges and public works of said county, and providing therefor," approved Sept. 10th, 1915.

S. 245. To repeal an act entitled "An act to provide for and regulate the compensation of State witnesses in all courts of record for Covington county, exercising criminal jurisdiction and to provide for the payment of same," approved August 20th, 1915.

S. 248. To amend section 6112 of the Code of 1907.

S. 277. To prohibit live stock from running at large after January 1st, 1920, in all counties having a population of not less than thirty thousand nine hundred and not exceeding thirty thousand nine hundred seventy-five, according to the last or any



subsequent Federal census, to provide for its enforcement and fix penalties for its violation.

S. 287. To amend section 6967 of the Code—relates to hunters' licenses.

S. 312. To require the city of Mobile to pay one-half of the annual expenses of the juvenile court of Mobile county and of the detention homes for delinquent juveniles of Mobile county, including the salary of the judge of said court, the salaries of the probation officer, the salaries of the superintendent, matron and other employees necessary for the care of the detention home for juvenile delinquents of Mobile county and the expense of providing and maintaining of detention homes for juvenile delinquents of Mobile county.

S. 319. To amend section 153 of the Code of 1907.

S. 329. To provide for and fix the compensation to be allowed the sheriff and circuit clerk of Covington county for all official duties for the compensation of which no express provision is made by law; and to provide how the court of county commissioners of Covington county shall fix and allow said compensation and to regulate the same; to provide for the repeal of all laws, local, special or general in conflict therewith insofar as they relate to the compensation of the sheriff and circuit clerk of Covington county.

R. B. Evins,  
E. C. T.

#### COMMUNICATION FROM THE GOVERNOR.

July 17, 1919.

Mr. W. F. Miller,  
Secretary of the Senate,  
Capitol.

Dear Sir:

I beg to acknowledge receipt of your communication of the 14th instant calling my attention to a resolution of the Senate requesting the return of S. B. No. 94, and in compliance with the resolution I return the bill herewith.

Very truly yours,  
Thos. E. Kilby,  
Governor.

#### GOVERNOR'S MESSAGE.

On motion of Mr. Briscoe:

S. 94. To authorize the governor to make a temporary appointment to fill a vacancy in the office of Senator from the State of Alabama in the Senate of the United States.

Was indefinitely postponed by the Senate.

## LEAVES OF ABSENCE.

On motion of Mr. Brown, leave of absence was granted Mr. Smith of Lawrence for today.

On motion of Mr. Ellis, leave of absence was granted Mr. Acker for today.

On motion of Mr. McDowell, leave of absence was granted to Mr. Cowan.

## BILLS ON THIRD READING.

The bill:

S. 197. To regulate and prescribe the sale of illuminating fuel and other oils, and gasoline in this State, and to prescribe punishment for the violation of this act.

As amended by the substitute adopted on the twenty-seventh legislative day, was read a third time at length and passed.

Yeas, 22; Nays, 1.

Yeas:

Messrs:

Baker	Craft	Miller	Rogers (Lauderdale)
Bedsole	Ellis	Moore	Rogers (Sumter)
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Carlton	Kelly	Prestwood	West
Carmichael	Leith		

—22

Nays:

Mr. Butler—1.

The bill:

S. 310. To fix the salary of the judge of probate of Montgomery county, Alabama, and allowance for clerical help and other expenses in said office, and to provide for payment thereof.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs:

Baker	Carmichael	Gunter	Rogers (Lauderdale)
Beale	Craft	Kelly	Sims
Briscoe	Ellis	Leith	Smith (Coosa)
Brown	Espy	Miller	Tally
Butler	Evins	Moore	West
Carlton	Griffith	McDowell	

—23

Nays:—None.

The bill:

S. 279. To fix the compensation of members of the courts of county commissioners and boards of revenue in all counties hav-

ing a population of not less than 30,900 and not more than 30,975 according to the last or any subsequent Federal census, and to provide for the payment of the same.

Was taken up.

The following amendment offered by Mr. Smith of Coosa, to-wit:

Amend by striking out where they occur the following words: "Or any subsequent."

Was adopted.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs:

Baker	Carlton	Griffith	Prestwood
Beale	Carmichael	Gunter	Rogers (Lauderdale)
Bedsole	Craft	Harper	Sims
Briscoe	Ellis	Leith	Smith (Coosa)
Brown	Espy	Miller	Tally
Butler	Evins	McDowell	West

—24

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs:

Baker	Carlton	Griffith	Prestwood
Beale	Carmichael	Gunter	Rogers (Lauderdale)
Bedsole	Craft	Harper	Sims
Briscoe	Ellis	Leith	Smith (Coosa)
Brown	Espy	Miller	Tally
Butler	Evins	McDowell	West

—24

*Nays:*—None.

The bill:

S. 214. To amend article 2, section 7417, of the Code of 1907. Was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs:

Baker	Carlton	Griffith	Prestwood
Beale	Carmichael	Gunter	Rogers (Lauderdale)
Bedsole	Craft	Harper	Sims
Briscoe	Ellis	Leith	Smith (Coosa)
Brown	Espy	Miller	Tally
Butler	Evins	McDowell	West

—24

*Nays:*—None.

The bill:

S. 284. To amend section 18 of an act approved April 22, 1911.

Was taken up.

Mr. Rogers of Lauderdale offered the following amendment to said bill, to-wit:

To amend the title of the bill in order that the same shall read as follows:

"A BILL

To be entitled an act to amend an act entitled an act providing for the registration, licensing, identification and regulation of motor vehicles operated upon the public highways of this State; and fixing liabilities of persons riding therein, and providing penalties and punishments for violation for the provisions of said act, approved April 22, 1911.

Which was adopted.

Yeas, 22; Nays, 0.

Yeas:

Messrs:

Baker	Carmichael	Harper	Rogers (Sumter)
Bedsole	Ellis	Kelly	Sims
Briscoe	Espy	Leith	Smith (Coosa)
Brown	Evins	Moore	Tally
Butler	Griffith	Rogers (Lauderdale)	West
Carlton	Gunter		

—22

Nays:—None.

And said bill, as thus amended was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs:

Baker	Cowan	Kelly	Rogers (Lauderdale)
Beale	Ellis	Leith	Rogers (Sumter)
Bedsole	Espy	Miller	Sims
Briscoe	Evins	Moore	Smith (Coosa)
Brown	Griffith	Morris	Tally
Carlton	Harper	McDowell	West
Carmichael	Huddleston	Phillips	

—27

Nays:—None.

The bill:

S. 291. To require the court of county commissioners, board of revenue, or other governing body of the county to erect sign-boards at the intersection or crossing points of all roads and prescribing a penalty for the failure to perform said duty.

Was read a third time at length and passed.  
Yeas, 23; Nays, 2.

*Yeas:*

Messrs:

Baker	Craft	Leith	Prestwood
Bedsole	Espy	Miller	Rogers (Sumter)
Briscoe	Evins	Moore	Sims
Butler	Gunter	Morris	Smith (Coosa)
Carlton	Harper	McDowell	West
Carmichael	Kelly	Phillips	

—23

*Nays:*

Messrs:

Beale Tally

—2

The bill:

S. 271. To provide for notice to the plaintiff of the filing of pleas of set-off, recoupment or any other plea upon which a judgment by default may be taken, and to regulate the taking of judgments by default on such pleas.

Was taken up.

Mr. Evins offered the following amendment to said bill:

Amend section one of the bill by inserting after the word "plaintiff" where the same occurs therein, the words: "or his attorney of record."

Amend section 3 of the bill by adding after the word: "plaintiff" where the same occurs the second time in said section the words: "or his attorney of record" and by striking from said section that part thereof which follows said added words.

Amend section 2 by adding after the words: "him" where the same occurs in such section the words: "or his attorney of record."

Which was adopted.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs:

Baker	Carmichael	Harper	Phillips
Beale	Craft	Kelly	Prestwood
Bedsole	Ellis	Leith	Rogers (Lauderdale)
Briscoe	Espy	Moore	Tally
Butler	Griffith	McDowell	West
Carlton	Gunter		

—22

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs:

Baker	Carlton	Gunter	Morris
Beale	Carmichael	Harper	McDowell
Bedsole	Craft	Kelly	Phillips
Briscoe	Ellis	Leith	Rogers (Lauderdale)
Brown	Evins	Miller	Sims
Butler	Griffith	Moore	Tally

—24

*Nays:*—None.

The bill:

S. 259. To require the several counties of this State to be liable for injuries received by persons or property injured by any defects upon any bridge on the public highways of this State, regardless of whether the said bridge was erected by the county, or by a contractor for the county.

Was taken up.

Mr. McDowell offered the following amendment to said bill, to-wit:

Amend by adding at the end of the bill the following words: "Provided, however, that liability shall not exist unless the county shall have been negligent in repairing such defect after knowledge thereof or negligent in the discovery of such defect.

Which was adopted.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs:

Baker	Carlton	Gunter	Morris
Beale	Carmichael	Harper	McDowell
Bedsole	Craft	Kelly	Phillips
Briscoe	Ellis	Leith	Rogers (Lauderdale)
Brown	Evins	Miller	Sims
Butler	Griffith	Moore	Tally

—24

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs:

Baker	Carlton	Gunter	Morris
Beale	Carmichael	Harper	McDowell
Bedsole	Craft	Kelly	Phillips
Briscoe	Ellis	Leith	Rogers (Lauderdale)
Brown	Evins	Miller	Sims
Butler	Griffith	Moore	Tally

—24

*Nays:*—None.

The bill:

S. 258. To authorize the equity courts in this State to correct errors in the description of lands sold by any decree of the equity courts in this State.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs:

Baker	Craft	Leith	Rogers (Sumter)
Bedsole	Ellis	Miller	Sims
Briscoe	Espy	Moore	Smith (Coosa)
Butler	Evins	Morris	Tally
Carlton	Gunter	McDowell	West
Carmichael	Harper	Rogers (Lauderdale)	

—23

Nays:—None.

#### SPECIAL ORDER SET.

On motion of Mr. Tally,

S. 55. To create a State highway department; to define its powers and duties; to authorize State aid in the construction and maintenance of public roads and bridges; to create a State highway fund and to provide for its expenditure; to impose certain duties upon county and municipal officials and to provide a penalty for their failure to discharge same; to authorize the State highway department to work State convicts upon public roads and bridges; to assent to the act of Congress approved July 11, 1916, known as the "Federal aid law" and to authorize the State highway department to cooperate with the United States government in the construction and maintenance of rural post roads; and to repeal the act approved April 5, 1911, entitled "An act to provide for the creation of a State highway commission," defining its powers, duties and compensation, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources.

On today's calendar, was made a special, paramount and continuing order for the thirty-second legislative day of the session.

#### BILLS ON THIRD READING RESUMED.

The bill:

S. 237. To change the name of the Mount Vernon Hospital to that of "The Searcy Hospital."

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs:

Baker	Ellis	Leith	Rogers (Lauderdale)
Beale	Espy	Miller	Rogers (Sumter)
Bedsole	Evins	Moore	Sims
Briscoe	Griffith	McDowell	Smith (Coosa)
Butler	Gunter	Phillips	Smith (Lawrence)
Carlton	Harper	Prestwood	West
Carmichael	Kelly		

—26

*Nays:*—None.

The bill:

S. 314. To provide for instruction in regard to the humane protection of animals in the public schools.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs:

Beale	Carmichael	Kelly	Rogers (Lauderdale)
Bedsole	Craft	Leith	Rogers (Sumter)
Briscoe	Ellis	Moore	Smith (Coosa)
Brown	Espy	McDowell	Tally
Butler	Evins	Phillips	West
Carlton	Harper	Prestwood	

—23

*Nays:*—None.

The bill:

H. 264. To provide for the reversion of the title to lands donated to the State as a site for rural schools, when such schools are permanently abandoned.

Was read a third time at length and passed.

Yeas, 24; Nays, 1.

*Yeas:*

Messrs:

Baker	Carmichael	Kelly	Rogers (Lauderdale)
Beale	Craft	Miller	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Brown	Griffith	McDowell	Smith (Coosa)
Butler	Gunter	Phillips	Tally
Carlton	Harper	Prestwood	West

—24

*Nays:*

Mr. Leith—1.



The bill:

S. 293. To amend section 928 of the Code of Alabama of 1907.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 1.

*Yeas:*

Messrs:

Beale	Craft	Leith	Rogers (Lauderdale)
Bedsole	Ellis	Miller	Rogers (Sumter)
Briscoe	Evins	Moore	Sims
Brown	Griffith	McDowell	Smith (Coosa)
Butler	Gunter	Phillips	Tally
Carlton	Harper	Prestwood	West
Carmichael			

—25

*Nays:*

Mr. Morris—1.

The bill:

H. 288. To amend section 6230 of the Code of Alabama of 1907.

Was read a third time at length and lost.

Yeas, 10; Nays, 18.

*Yeas:*

Messrs:

Baker	Griffith	Miller	Smith (Coosa)
Brown	Harper	Prestwood	Tally
Craft	Kelly		

—10

*Nays:*

Messrs:

Beale	Carmichael	Moore	Rogers (Lauderdale)
Bedsole	Ellis	Morris	Rogers (Sumter)
Briscoe	Evins	McDowell	Sims
Butler	Gunter	Phillips	West
Carlton	Leith		

—18

The bill:

S. 255. To exempt Confederate soldiers from paying a license tax on business conducted by them personally in the State of Alabama.

Was taken up.

Mr. McDowell offered the following amendment to said bill:

By adding to the end of bill as it now reads the following words:

"And to any business conducted by soldiers where more than five thousand dollars is invested."

Which was adopted.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs:

Baker	Craft	Kelly	Prestwood
Beale	Ellis	Leith	Rogers (Lauderdale)
Briscoe	Espy	Miller	Sims
Brown	Evins	Moore	Smith (Coosa)
Butler	Griffith	McDowell	Tally
Carlton	Harper	Phillips	West
Carmichael			

—25

*Nays:*—None.

And said bill, as thus amended, was read a third time at length, and passed.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs:

Baker	Carmichael	Harper	Phillips
Beale	Craft	Kelly	Prestwood
Bedsole	Ellis	Leith	Rogers (Lauderdale)
Briscoe	Espy	Miller	Sims
Brown	Evins	Moore	Smith (Coosa)
Butler	Gunter	McDowell	Tally
Carlton			

—25

*Nays:*—None.

The bill:

H. 267. To fix the license tax to be paid by emigrant or labor agents and to regulate their business.

Was read a third time at length and passed.

Yeas, 24; Nays, 4.

*Yeas:*

Messrs:

Beale	Carmichael	Gunter	Prestwood
Bedsole	Craft	Harper	Rogers (Lauderdale)
Briscoe	Ellis	Miller	Rogers (Sumter)
Brown	Espy	Moore	Sims
Butler	Evins	Morris	Tally
Carlton	Griffith	McDowell	West

—24

*Nays:*

Messrs:

Baker	Kelly	Leith	Phillips
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—4

The bill:

S. 256. To provide bail pending an appeal in all felony cases where the defendant is sentenced to the penitentiary for a term of ten years or less.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs:

Baker	Carmichael	Harper	Prestwood
Beale	Craft	Kelly	Rogers (Sumter)
Bedsole	Ellis	Leith	Sims
Briscoe	Espy	Moore	Smith (Coosa)
Brown	Evins	McDowell	Tally
Butler	Griffith	Phillips	West
Carlton			

—25

*Nays:*—None.

The bill:

S. 254. To amend section 3746 of the Code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs:

Baker	Carmichael	Harper	Phillips
Beale	Ellis	Kelly	Prestwood
Bedsole	Espy	Leith	Rogers (Sumter)
Briscoe	Evins	Miller	Sims
Brown	Griffith	Moore	Smith (Coosa)
Butler	Gunter	McDowell	West
Carlton			

—25

*Nays:*—None.

The bill:

S. 239. To amend section ten (10) of an act approved September 25, 1915, and entitled "An act to provide for the appointment of an official court reporter by each circuit judge in Alabama; to fix their compensation, define their duties and provide for special reporters in certain cases."

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs:

Beale	Carmichael	Leith	Rogers (Sumter)
Bedsole	Ellis	Miller	Sims
Briscoe	Espy	Moore	Smith (Coosa)
Brown	Evins	Morris	Tally
Butler	Harper	McDowell	West
Carlton	Kelly	Prestwood	

—23

*Nays:*—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following resolution:

By Mr. Dunnaway:

H. J. R. 90. Resolved by the House, the Senate concurring, that when the two houses adjourn this afternoon that they stand adjourned until Friday morning at 10 A. M., July 25th,  
And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Phillips, the Senate concurred in and adopted H. J. R. 90, set out in the foregoing message from the House.

#### RESOLUTION.

Mr. Gunter offered the following Senate joint resolution:

S. J. R. 96. Whereas, in the death of Senator Norwood, of Lowndes county, Alabama, his family has lost a tender father and a loving husband; the county of Lowndes an able and faithful representative; the State an honorable and valuable citizen; the Senate one of its most beloved and respected members:

Now, therefore, be it resolved, That the Legislature of Alabama, out of respect for the memory of Senator Norwood, do now adjourn for the day. That this resolution be spread on the Journals of the Senate and the House and that a copy be transmitted to Mrs. Norwood by the Secretary of the Senate.

Which was, under a suspension of the rules, adopted and ordered sent forthwith to the House without engrossment.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. 96, relative to the death of Senator Norwood.

And returns same to the Senate.

Fred H. Gormley,  
Clerk.

#### ADJOURNMENT.

At 5:10 P. M., on motion of Mr. Carmichael, and pursuant to H. J. R. 90, the Senate adjourned until Friday morning at 10 o'clock A. M.

## TWENTY-NINTH DAY.

Friday, July 25th, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

## PRAYER.

By Rev. Dr. Dannelly of Montgomery.

## ROLL CALL.

## Present:

Mr. President and

Messrs:

Acker	Craft	Kelly	Prestwood
Beale	Ellis	Leith	Rogers (Lauderdale)
Bedsole	Espy	Miller	Rogers (Sumter)
Briscoe	Evins	Moore	Sims
Brown	Griffith	Morris	Smith (Coosa)
Butler	Gunter	McDowell	Smith (Lawrence)
Carlton	Harper	Nance	Tally
Carmichael	Huddleston	Phillips	West
Cowan			

—33

## JOURNAL.

On motion of Mr. Morris, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Brown:

S. 368. To provide for the establishment, maintenance, repair and regulations of public highways; including bridges and ferries, in St. Clair county.

Public Roads and Highways.

(With notice and proof thereto attached and herewith exhibited as follows:)

## A BILL.

Notice is hereby given that the following bill will be introduced in the Legislature of Alabama at its present session on reconvening at Montgomery in July, 1919, and the passage urged, subject to such changes, alterations and amendments as may be offered or proposed to same by that body, to-wit:

## A BILL

To be entitled an act to provide for the establishment, maintenance, repair, and regulations of public highways; including bridges and ferries, in St. Clair county.

Be it enacted by the Legislature of Alabama:

Section 1. That the court of county commissioners of St. Clair county is invested with a general superintendence of the public roads, bridges and ferries within said county, and may establish new, and change and discontinue old roads, bridges and ferries of said county so as to render travel over the same as safe and convenient as practicable. To this end they are given legislative, judicial and executive powers, except as limited herein. They may establish, promulgate and enforce rules and regulations, make and enter into such contracts as may be necessary or as may be deemed necessary or advisable by such court, to build, construct, make, improve and maintain a good system of public roads, bridges and ferries in St. Clair county and regulate the use thereof; but no contract for the construction or repair of any public road, bridge or ferry shall be made where the payment of the contract price for such work shall extend over a period of more than ten years.

Section 2. That it shall be unlawful for any person, firm or corporation to violate any rule, regulation or law which may be adopted or promulgated by the court of county commissioners of said county, under the authority conferred by this act, relating to the establishment, use, control, care, operation or maintenance of any such public road, bridge or ferry, and any person, firm or corporation violating the same shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars and may also be sentenced to hard labor for the county for not more than thirty days, either or both, and each violation shall constitute a separate offense.

Section 3. That the court of county commissioners of St. Clair county may transfer to the road fund of the county any surplus of general funds of the county in the county treasury, or any part of such surplus, whenever in the judgment of such court it will promote the interest of the county to make such transfer. Any surplus of general funds so transferred shall be used only for working of the public roads or the building of bridges or otherwise improving the public highways of said county; including roads, bridges and ferries.

Section 4. That the court of county commissioners of St. Clair county is hereby given the right of eminent domain for the purpose of establishing and changing public roads, bridges and ferries in said county; provided that when an appeal is taken from any assessment in a condemnation proceeding brought by the county, such appeal shall not deprive the county obtaining the judgment of condemnation of a right of entry for any and all purposes named in the condemnation proceeding, provided the amount of damages assessed shall have been paid into court in money, and a bond shall have been given in not less than double the amount of damages assessed with good and sufficient sureties to be approved by the clerk of the court to which the appeal is taken conditioned to pay such damages as the owner of the property may sustain, or as may thereafter be duly awarded.

Section 5. All persons are liable to work on the public roads, except those exempted by section 6 of this act.

Section 6. That all women, and all men under the age of eighteen and over the age of forty-five years; all persons who have lost an arm or a leg; and all persons who, by nature or disease, are rendered incapable of hard labor, and who shall procure a certificate of such incapacity from the county board of health, are exempt from working on public roads; but where there

is no county board of health, the certificate of such incapacity from two reputable practicing physicians shall be sufficient.

Section 7. That the right of way is granted to any person or corporation having the right to construct telegraph or telephone lines within this state to construct them along the margin of the right of way of public highways; subject to removal or change by the court of county commissioners of St. Clair county.

Section 8. That any contractor employed by the court of county commissioners of St. Clair county to improve public roads, bridges, ferries, culverts, drains, etc., before entering upon the discharge of his duties or before receiving any pay therefor, must execute bond payable to the county and to be approved by the probate judge, in an amount not less than the amount to be received by him for such work, conditioned for the faithful performance of his contract and discharge of his duties thereunder; provided the contract exceeds fifty dollars.

Section 9. That the convicts of any county or municipality may be worked upon the public roads, bridges or ferries of the county under the direction of the court of county commissioners, and said convicts may be worked in quarries, gravel pits or any plant used for the production of road materials for said county highways; although said quarry, pit or plant may be located in another county; or said convicts may be hired to or from another county or from the State.

Section 10. That convicts shall not be worked in squads or companies with other persons liable to road duty upon public roads, bridges, etc., for the county; and no woman convict shall be worked on said public roads.

Section 11. That no contract where the estimated cost of the work shall exceed two hundred and fifty dollars shall be made except after advertisement for thirty days, in some newspaper published in the county describing the character of the work to be done and the time and place of letting and then only to the lowest reasonable and responsible bidder for such work, who shall enter into bond in double the amount of such bid conditioned for the proper performance of said contract according to the plans and specifications and within the time prescribed by the order of the court for such work, which bond shall be approved by the judge of probate for said county. Provided, however, that such court shall have the right to reject any or all bids. Provided, however, that in the event of the destruction of a bridge, or damage thereto, rendering the same impassable, or in any other emergency, the county commissioners may contract for the repair or rebuilding of such bridge without advertisement, if the public road requires it.

Section 12. The court of county commissioners, in lieu of road work, may accept or authorize the acceptance of a money compensation to be fixed by them, not to be less than \$4.00 per capita nor more than \$8.00 per capita per annum for the calendar year, and all persons in St. Clair county subject to road duty shall be required to work on the public roads of said county not less than four nor more than eight days per annum, as fixed by the county commissioners, or pay in lieu thereof the amount of money as fixed by the county commissioners in accordance with the authority by this section.

The court of county commissioners shall have the power to provide for the time of payment of money paid in lieu of work due on the public roads of said county and to fix a time when the same shall become delinquent. The said money shall go to the beat in which the payer of the money resides and shall be expended exclusively in said beat.

That all persons desiring to be relieved of paying cash in lieu of work on the public roads shall pay the required sum in labor, and at the time he assesses his general property taxes shall give in and state to the tax

assessor whether he elects to perform road duty by his personal labor, or to pay the commutation sum within the limits fixed by the court of county commissioners, and in the event he elects to work in lieu of commutation money, the assessor shall assess against such person or party the amount to be worked, as prescribed by the court of county commissioners, or the amount to be paid, if he agrees to pay in lieu of work; and if a party in the county subject to road duty does not assess any property taxes before the assessor, he shall, on or before the 1st of January of the calendar year, file a declaration in writing in the office of the probate judge of the county, stating that he elects to work on the roads instead of paying the commutation money, or that he elects to pay, if he wishes to pay, instead of work; and all those persons who shall not file the declaration stating how they exercise their option on or before January 1st of the calendar year, shall be liable to pay cash ... and the tax assessor shall examine the records of the probate judge, not later than February 1st of the calendar year to ascertain the names of those who have filed a declaration with the probate judge, whereby they elect to work instead of paying the commutation money; or who elect to pay instead of work; and he shall assess against all persons making such election, the amount of commutation money in lieu of personal service, as fixed by the court of county commissioners, if he elects to pay instead of to work or the amount of work that must be done if they elect to work. The tax assessor shall be entitled to 50c, as a delinquent fee on all those who fail to assess before the road taxes become delinquent; and the said fee shall be added to the amount assessed against each one due road duty.

The court of county commissioners shall be authorized to take all necessary steps and make all rules and regulations providing for the cases of those who shall come into the county, or become of road age, or become subject to road duty at any time during the year, so that they may have an opportunity and may be required, either to render personal road service or to pay the commutation money, as prescribed by the court of county commissioners. All those coming into the county subject to road duty shall be liable for road service, either to work or pay, after being in the county ten days; and all those coming of road age shall be liable to road duty in ten days after coming of age. It shall be the duty of the tax collector to collect from all persons who shall be liable to pay a sum of money in commutation of road service, and the said assessment for such commutation or charge shall be a lien from the time of the assessment upon all property of the party in the county against whom the assessment is made, and shall be due on the 1st day of October of the calendar year, in which the assessment is made, and all persons who fail to pay the said sum to the tax collector of the county charged or assessed against him by January next after it becomes delinquent shall be guilty of a misdemeanor, and on conviction shall be fined, not less than three times the amount of said road tax, nor more than fifty dollars.

In all cases where persons, who are subject to road tax, and who have not assessed or caused the same to be assessed, or have not been assessed by the tax assessor, under the terms of the provisions of this act, it shall be the duty of the tax collector to assess and collect such road tax, for which he shall be entitled to charge a delinquent fee of 50c, to be added to the amount to be paid by the person delinquent in the assessment.

Section 13. Nothing in this act shall be so construed as to prevent the county commissioners of St. Clair county from adopting other and different methods or times of assessing and collecting the road tax, if in their judgment, they think best; and all persons who are liable to road duty may be required either to pay the road tax or perform the proper amount of labor in lieu of such payment.



Section 14. That when no other punishment is provided for in this act, for any violation thereof, the offender shall be deemed guilty of a misdemeanor and on conviction shall be fined not more than one hundred dollars and may be imprisoned in the county jail for not more than thirty days.

Section 15. That nothing in this bill shall prohibit women convicts from cooking and preparing meals for road crews composed of convicts.

Section 16. There is hereby created, and the court of county commissioners of St. Clair county is hereby authorized and required to establish in said county a State trunk road as recommended by the State highway commission, ad said trunk road to be established is defined as follows, to-wit:

Beginning at the St. Clair county line on the north, on the road coming from Oneonta, Blount county, off of trunk road number 22, at or near Oneonta, and proceeding along the said road coming by Ashville and Ragland to the point where the road crosses the south line of St. Clair county; which line is marked by the Coosa river; this road to be built along the line as defined, so that if extended beyond the Coosa river it would connect with State trunk road, number 34, at or near Anniston in Calhoun county, and the said road in Calhoun county, together with the extension thereof, beyond the Coosa river to Anniston would make connection with State trunk road number 34, at or near Anniston. The road hereby designated, with an extension thereof, connects with State trunk road number 22 in Blount county, at or near Oneonta. Another portion of the State trunk road or highway to be established by this act is an extension from Pell City off of State trunk road number 34, leading to Ragland in St. Clair county as recommended and prescribed by the State highway commission. The two portions of road hereinabove defined have been recommended by the State highway commission, and would form part of a highway from Pell City through Ragland to Oneonta or vice versa from Oneonta to Anniston, or to Pell City.

Section 17. That the court of county commissioners of St. Clair county may, for the purpose of maintaining public roads, bridges and ferries of the county, impose upon the owners of vehicles which are used upon the public roads of the county, such license taxes for each class of vehicle as may be deemed advisable by said court.

Section 18. The court of county commissioners of St. Clair county with the consent of or permission of the city council or governing body of any municipality, may establish, construct, and maintain any road, street or bridge within the corporate limits of such municipality, and if a road and bridge tax is collected in any city or town or corporation, and the said tax is not paid back to the treasurer of said city, town or corporation, the county commissioners of St. Clair county shall build and keep up the bridge of all main thoroughfares where the public road enters and connects over or on any street through said city, town or corporation, and in the same way all other bridges in the county are built, kept up and repaired.

Section 19. The court of county commissioners of St. Clair county are authorized and empowered, if they see fit, to borrow to fifty per cent of any special tax or road and bridge tax which has been assessed, for which said tax can be pledged by regular order of commissioners court by giving a note or commercial paper, not to run for more than twelve months, signed by the probate judge of the county and secretary of commissioners court, or by the entire board of county commissioners of said county. The money borrowed must be used for the same purpose as the assessment provides for. Also, the court of county commissioners are authorized and empowered, if they see fit, to borrow and pledge to seventy-five per cent. of any road tax

assessed against those who are qualified to work the public roads of St. Clair county, who have option to pay cash rather than work the public roads. Any money borrowed against the public road funds shall be spent on the public roads in beats in proportion to the funds that would come from said beats. The commissioners court shall have the same rules and authority in borrowing against the public road funds as they have against special tax of road and bridge funds.

Section 20. That if any clause, provision or section of this act is declared unconstitutional it shall not invalidate or affect any other clause, provision or section which is not in and of itself unconstitutional.

Section 21. Be it further enacted that all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

(Signed) Watt T. Brown,  
Senator Sixth District.

State of Alabama. }  
County of St. Clair. }

Before the undersigned, a notary public in and for said county in said State, this day personally appeared B. B. Cather, who being by me first duly sworn, on oath doth depose and say as follows:

That he is the owner and publisher of the Southern Aegis, a newspaper published in Ashville, said county and State, and that the attached notice of "A bill to be entitled an act," etc., was published in said newspaper in its issues of May 22nd, May 29th, June 5th and June 12th, 1919.

B. B. Cather.

Sworn to and subscribed before me this the 21st day of July, 1919.

(Seal.) J. P. Montgomery,  
Notary Public.

By Mr. Acker:

S. 369. To authorize and empower the court of county commissioners, the board of revenue, or other governing body of the several counties of this State to issue interest bearing warrants of the county in settlement of debts or other obligations incurred in the construction or maintenance of public roads or necessary public buildings, or as a security for money borrowed for the payment of such debt or obligation and to issue and sell interest bearing warrants to secure funds for the payment of such debt or obligation and to regulate and prescribe the method of issuing such interest bearing warrants.

Judiciary.

Also:

S. 370. To amend section 5877 of the Civil Code of Alabama.  
Judiciary.

Also:

S. 371. To amend section 2 of an act "To provide for the creation of the office of State prison inspector; to prescribe the duties and powers of such office; to provide for the necessary assistants to said inspector; to fix the compensation of such inspector and his assistants; to provide for the construction, the regulation, the management, the maintenance, the operation, the

healthfulness, and the sanitation of all county jails, almshouses, and such town and city prisons as are in towns or cities of ten thousand or more population according to the last Federal census, under the supervision of said inspector, and to prescribe the duties of the various public officials with respect thereto, and to provide punishment for violations of this act," approved April 8, 1911 (General Acts 1911, p. 356).

Penitentiary, Prison and Prison Punishment.

By Mr. Bealle:

S. 372. Regulating the sale and exchange of gasoline, benzine, naphtha and other liquid motor fuels, and providing for the tagging and inspection of such product.

Finance and Taxation.

By Mr. West:

S. 373. To submit to the qualified voters of the State, at a special election to be held on the proclamation of the governor of Alabama, for their consideration an amendment to the Constitution of Alabama, allowing the State to engage in, lend its credit or money in certain specified improvements.

Constitution and Constitutional Revision and Amendments.

(The above bill was read at length as required by the Constitution.)

By Mr. West:

S. 374. To submit to the qualified voters of the State of Alabama, at a special election to be held on the proclamation of the governor of Alabama, for their consideration, an amendment to the Constitution of Alabama, empowering the Legislature to authorize counties, which have or which shall have taxable property in such counties of one hundred millions of dollars annually, or more, according to the assessments by such counties for the year 1918 A. D., or according to any annual assessment hereafter made, to engage in, lend their credit, grant public money or other thing of value in aid of the acquirement, construction, purchase, ownership, lease, maintenance, use, control and operation of highways, railroads, by any kind of motive power, conveyance or appliance; freight stations; passenger stations; wharves; piers; docks; warehouses; grain elevators; storage tanks; team trucks; and all other facilities and structures appurtenant thereto, in aid of commerce; the dredging of the approaches to the water terminals; to traverse or cross adjacent counties; and to increase the limit of county indebtedness from  $3\frac{1}{2}$  to  $4\frac{1}{2}$  per cent of such taxable property.

Constitution and Constitutional Revision and Amendments.

(The above bill was read at length as required by the Constitution.)

Also:

S. 375. To provide for the acquirement, construction, ownership, lease, maintenance, use, control and operation by counties of Alabama which have or which shall have taxable property in such counties of one hundred millions of dollars annually, or more, according to the assessments by such counties for the year of 1918 A. D., or according to the annual assessments to be hereafter made, of highways, of railroads—by any kind of motive power; freight stations; passenger stations; wharves; piers; docks; warehouses; grain elevators; storage tanks; team trucks; and all other facilities and structures appurtenant thereto, by the issue of bonds, not exceeding one per cent, in addition to the limit of county indebtedness, of such taxable property in such counties; the holding of elections to decide whether such counties shall issue such bonds; to authorize the county internal improvement commission, a county agency, to sell said bonds and to account to the board of revenue therefor of the county; to levy and collect a special tax, not exceeding twenty cents on each one hundred dollars of taxable property, to be in addition to the maximum rate prescribed; exemption from State, county and municipal taxation of such bonds; to become effective upon ratification of an amendment to the Constitution of Alabama; and same power to new counties formed from such counties.

Commerce and Common Carriers.

Also:

S. 376 To authorize and empower all counties of Alabama which have or shall have taxable property in such counties of one hundred million dollars annually, or more, according to any annual assessment to be made thereafter, to acquire, construct, purchase, own, lease, maintain, use, control and operate highways, railroads, and terminals and all facilities and structures appurtenant thereto; for the performance of the obligation of warehouseman and common carrier in aid of commerce; to establish reasonable charges for such service; within its own territory or across, on or through adjacent counties, to establish a commission as a county agency for the performance of this authority and power; to purchase and condemn private property for the above purpose; to dispose of net profits from the operation of the facilities herein described; that private capital shall not be prevented from engaging in the same enterprise; that the power and authority herein described shall become effective immediately upon the ratification of an amendment to the Constitution of Alabama.

Commerce and Common Carriers.

By Mr. West:

S. 377. To authorize cities and towns of over five thousand population according to the last Federal census, or which shall have such population according to any Federal census taken thereafter, and situated in counties which have or which shall have, annually, taxable property in such counties of one hundred millions of dollars, or more, according to the assessments by such counties for the year A. D. 1918, or according to any annual assessments hereafter made, to acquire, construct, purchase, maintain, own, lease, use, control and operate railroads by any kind of motive power, and terminal facilities and other structures, appurtenant thereto, in aid of commerce and the transportation of passengers, within, across, in or through the territory of such counties in which such cities and towns are situated or adjacent counties, and to issue bonds, grant money and property to carry into execution these powers.

Commerce and Common Carriers.

By Mr. Bedsole:

S. 378. To prescribe a rule of evidence in actions of trespass, when the trespass is committed through or by an agent or servant of the defendant while acting within the scope of his employment.

Judiciary.

By Mr. Miller:

S. 379. To amend section six hundred thirty-seven (637) of the Code of Alabama.

Revision of Laws.

By Mr. McDowell:

S. 380. To provide for the issuance of certificates or licenses to persons who have practiced dentistry or dental surgery in the State of Alabama for twenty years or more, and to fix the fee for issuing same.

Public Health.

By Mr. Evins:

S. 381. For the relief of Annie B. Moore.

Finance and Taxation.

(With notice and proof attached and herewith exhibited as follows:)

#### NOTICE.

Notice is hereby given that a bill will be introduced in the Alabama Legislature, after it reconvenes on July 8th, 1919, in substance to restore Mrs. Annie B. Moore to the pension roll of the State of Alabama, as the widow of Thomas G. Moore, a deceased Confederate soldier.

(Signed) Annie B. Moore.

I, Wm. E. W. Yerby, publisher of the Greensboro Watchman, hereby certify that the hereto attached notice of application of Mrs. Annie B.

Moore to be placed on the pension roll of Hale county, Alabama, was published for four consecutive weeks in said Greensboro Watchman.

(Signed Wm. E. W. Yerby.

Sworn to and subscribed before me this 21st day of July, 1919.

R. B. Wallen,  
Justice of Peace in and for Hale County, Alabama.

By Mr. Smith of Coosa:

S. 382. To regulate and provide for the military forces of the State of Alabama, and to promote its efficiency; to prescribe rules, regulations and means for its organization, armament, equipment, discipline, control and supervision; to provide for its maintenance, support and upkeep; to provide means for the enforcement of this act; and to fix penalties and punishments for the violation of this act.

Military.

By Mr. Kelly:

S. 383. To provide for the election of a county solicitor for Monroe county, to define his duties and fix his compensation.

Judiciary.

(With notice and proof thereto attached and herewith exhibited as follows:)

#### NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama, at present session thereof, in substance as follows:

#### A BILL

To be entitled an act to provide for the election of a county solicitor for Monroe county, Alabama, by direct vote of the qualified electors of said county, prescribe his qualifications, his term of office, and provide for the filling of vacancies occurring in said office during the term of said official, define his duties and fix his compensation; and to repeal all laws in conflict with said act.

State of Alabama, }  
County of Monroe. }

Before me, John M. Coxwell, clerk of the circuit court for Monroe county, Alabama, personally appeared E. M. Salter, who being by me first duly sworn, deposes and says, on oath:

That he is editor and publisher of the Monroe Journal, a newspaper published in the town of Monroeville, Monroe county, Alabama, and that the hereto attached notice was published in said Monroe Journal, once a week for four consecutive weeks, the same appearing in the following issues of said Monroe Journal, namely: February 6th, 1919, February 13th, 1919, February 20th, 1919, and February 27th, 1919.

E. M. Salter,  
Affiant.

Subscribed and sworn to before me on this 11th day of July, 1919.

John M. Coxwell,  
Clerk of the Circuit Court for Monroe County, Alabama.

By Mr. Acker:

S. 384. To confer additional powers, authority and jurisdiction on and to further prescribe the duties of the board of control and economy created by the act of the Legislature approved February 13, 1919; to abolish the board of convict inspectors and the offices of the members and employees thereof and to confer upon the State board of control and economy all the power, authority and jurisdiction heretofore exercised by or under the authority of the State board of convict inspectors, and to impose upon the board of control and economy all the duties heretofore required of the State board of convict inspectors; to confer upon the board of control and economy general supervision and authority over the office of the State prison inspector who shall henceforth discharge the duties of his office in connection with and as a part of the work of the State board of control and economy; to confer upon the board of control and economy certain duties and authority with reference to the public printing and binding, and other powers and authority incident to the more efficient control and co-ordination of the business operations of this State.

Judiciary.

By Mr. Huddleston:

S. 385. To provide that it should be unlawful to require nurses who are in training to work more than eight hours a day, and to provide a penalty for a violation of this act.

Municipalities and Municipal Organizations.

By Mr. Craft:

S. 386. To amend section 13 of an act approved February 24, 1915, regulating the employment of minor children in Alabama so as to allow boys of ten years and over, to sell and deliver newspapers in cities of 25,000 and over.

Revision of Laws.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed:

S. 96. To amend section twelve of an act to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same, and to fix penalties for the violation of the rules, regulations and

laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Kelly, the Senate nonconcurrent in the following amendment by the House to Senate bill No. 96, the title of which is set out in the foregoing message from the House, to-wit:

**Provided, this act shall not apply in counties of more than 200,000 people.**

Provided, that the commissioners' court must apply the tax to the maintenance of the road on which the payor is apportioned.

Provided further, that the provisions of this act shall not apply to counties having a population of more than 82,000 and less than 100,000 according to the last Federal census.

And requests a committee of conference.

Pursuant to such request, the President of the Senate appointed as conferees on the part of the Senate, Messrs. Kelly and Rogers of Sumter.

#### REPORTS OF COMMITTEES.

Mr. West, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

S. 324. To repeal section seven of an act, Acts 1892-93, to regulate the fine and forfeiture fund of Wilcox county, and the payment of claims against said fund and to provide funds for the payment of said claims.

S. 367. To provide for the payment and retirement of claims against the fine and forfeiture fund of Cullman county, Ala.

S. 356. To make the clerk of the circuit court of Cullman county, Alabama, ex-officio clerk of the county court of said county and to define his duties and to provide for his fees and compensation.

S. 315. To fix and provide for the payment out of the county treasury the salary of the deputy solicitor for Cullman county, Alabama, and to repeal all laws and parts of laws in conflict herewith.



Mr. Leith, chairman of the Standing Committee on Mining and Manufacturing, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

S. 358. To amend sections 1 and 4 of an act, approved April 18, 1911, and entitled "An act to regulate the mining of coal in Alabama."

Mr. Brown, chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

S. 349. To enlarge and further define the duties and fix the compensation of humane officers in counties of this State having a population of not less than 80,000 nor more than 82,000, according to the Federal census of 1910.

S. 327. To dissolve the municipal corporation of the city or town of Fruithurst, Cleburne county, Alabama.

S. 342. To vacate and to annul the dedication of that part of Fifth Sixth and Seventh streets in the city of Anniston, State of Alabama, through, over, on or across and as projected through, over on or across that certain tract of land situated and being in said city of Anniston and bounded on the north by Tenth street, on the east by the right of way of the main line of the Mobile division of the Southern Railway Company (formerly the East Tennessee, Virginia and Georgia Railway Company), on the south by Fourth street and the right of way of the Birmingham division of the Southern Railway Company (formerly Georgia Pacific Railway Company), and on the west by Glen Addie street and the right of way of the said Birmingham division of the Southern Railway Company.

Mr. Bedsole, chairman of the Standing Committee on Temperance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

S. 321. To amend section 13 of an act entitled "An act to further suppress the evils of intemperance; to restrict the receipt, possession and delivery of spirituous, vinous, malted, fermented or other intoxicating or prohibited liquors and beverages and fixing punishment and penalties," approved January 25th, 1919.

S. 320. To designate the persons who are authorized to purchase, have shipped from outside of the State, receive, accept

delivery of, possess and use wines for sacramental or religious purposes; and to prescribe the procedure for procuring and having the same shipped from outside of the State.

Mr. Kelly, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

S. 288. To amend an act entitled an act to designate certain ~~public roads of the State of Alabama, as State trunk roads, and to provide the manner in which such roads shall be located, improved and maintained.~~

S. 267. To amend section 1 of an act entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained, approved September 10, 1915.

S. 357. To designate certain described roads as State trunk roads for Alabama.

S. 359. To amend section one of an act entitled "An act to create a county highway commission for Walker county, Alabama, and to define the powers and duties thereof," approved February 15th, 1919.

S. 326 (with amendment). To authorize counties benefited thereby to join in the expense of building, operating and maintaining a bridge or bridges, highway or highways even though only a part or no part of such bridge or bridges, highway or highways may be located in such counties.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with an adverse report, and they were severally read a second time and placed on the adverse calendar, to-wit:

By Mr. Evins:

S. 339. To regulate the recovery of punitive damages in certain civil actions and to provide for the disposition of the same. By Mr. Gilbert:

H. 182. To prohibit the keeping, exhibiting or operating of pool or billiard tables, on which the public can play, outside incorporated cities and towns having a police force.

Mr. Miller, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with

an adverse report, and they were severally read a second time and placed on the adverse calendar, to-wit:

By Mr. Briscoe:

S. 117. To prohibit justices of the peace and notaries public exercising the powers of justices of peace from having or exercising jurisdiction in criminal cases: to repeal article 4 of the Criminal Code of Alabama (embracing sections 6733 to 6745 inclusive); to provide for the disposition of criminal cases now pending in justice courts and to authorize justices of peace and notaries public exercising the powers of justices of peace to issue warrants of arrest returnable before courts of competent jurisdiction.

By Mr. West:

S. 150. To exempt funeral directors, undertakers, and embalmers from jury duty in the State of Alabama.

By Mr. Phillips:

S. 174. Providing for the appointment of non-residents of Alabama, as executors and administrators and guardians in proper cases.

By Mr. Baker:

S. 213. To prohibit justices of the peace and notaries public with justices' jurisdiction, from bringing suit before themselves on any note, account, or other claim placed in their hands for collection.

By Mr. Graham of Clarke:

H. 37. To amend section two of an act entitled "An act to create a lien in favor of any laborer or employee of any person, firm or corporation engaged in getting, cutting, rafting, shipping, hauling, or manufacturing of timber, lumber, or cross-ties, and to provide for its enforcement," approved Sept. 10th, 1915.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 276. To provide for the appointment of an assistant solicitor for each judicial circuit in the State composed of one county with three circuit judges, to fix the term of said office, to prescribe the duties and authority of said assistant solicitor, and to fix his compensation.

By Mr. Acker:

S. 318. To authorize and require courts of this State to take judicial notice of laws of sister states in all cases in which such

laws are material or relevant to a decision in any case or proceeding pending in the courts of this State.

By Mr. Evins:

S. 338. To give a right of action in favor of any party to whom an abusive, obscene or insulting letter or other written or printed communication is sent, against the writer and sender thereof, whether any publication thereof has been made or not, and to provide for the recovery of damages in such action.

By Mr. Baker:

S. 346. To authorize sheriffs of counties having a population of not less than 30,815 nor more than 30,915, according to the Federal census of 1910, to employ jailers, and to prescribe their duties and fix their salaries.

By Mr. Van de Graff:

H. 104. To repeal section 6698 of the Code of Alabama of 1907, and to make the clerks of the circuit courts of the respective counties ex-officio clerks of the county courts of said counties; to provide payment for services of such clerks, manner of payment and to provide for a bond as such clerk.

By Mr. Acker:

S. 341. To require a copy of all pleadings in cases pending in the courts of this State at law or in equity to be served on opposing counsel.

By Mr. McDowell:

S. 335. To permit all persons being tried for misdemeanor cases, to have the right to be tried by jury.

By Mr. Leith:

S. 343. To fix the compensation of the county and deputy solicitors serving in counties having a population of not less than 37,000 nor more than 37,500, according to the last preceding Federal census.

By Mr. McDowell:

S. 365. To divide Barbour county into six districts to be known as board of revenue districts, and to provide for the election of a member of the board of revenue of Barbour county from each district, by the qualified voters of each district, and also one member of the board of revenue from the county at large.

By Mr. McDowell:

S. 348. To establish a commission for the promotion of uniformity in State legislation and to prescribe its duties.

By Mr. Shaw:

H. 83. To regulate the right to carry a pistol in this State.

By Mr. Hawkins:

H. 52. To amend sections 1392, 1393 and 1394 of the Code of 1907.

Mr. Miller, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Briscoe:

H. 366. To regulate the committing of persons to institutions for delinquent children and to institutions designed for the reformation and correction of fallen girls.

By Mr. Evins:

S. 332. To amend an act entitled "An act to regulate the employment of minor children within the State of Alabama; to prohibit the employment of minors under certain conditions; to provide for the inspection, and regulation of establishments, occupations, places and premises where minors are employed; to entrust the enforcement of the provisions of this act to the State prison inspector; to punish violations of this act," and approved February 24, 1915.

By Mr. Evins:

S. 275. To provide that the clerk of the circuit court of Hale county, Alabama, shall be ex-officio clerk of the county court of said county, and to prescribe his duties as such, and to fix his compensation.

By Mr. Craft:

S. 347. To amend section three (3) of an act entitled, "An act to create and establish the office of general guardian ad litem in all counties of sixty thousand (60,000) population and not exceeding eighty-two thousand (82,000) population, according to the last Federal census; to prescribe his duties and qualifications; to provide for his appointment and to fix his compensation and term of office; to provide for the appointment of a guardian ad litem in cases where the general guardian ad litem is disqualified or where the interest of the infants interested in the case are antagonistic or conflictng; and to provide a penalty for wrongfully appointing such guardian ad litem," approved March 22nd, 1911, as amended by an act approved July 27th, 1915.

By Mr. Baker:

S. 336. To provide for the election of a county solicitor in all counties in Alabama having a population of not less than 30,800 and not more than 30,900, according to the Federal census of 1910, to fix his term of office and compensation, and prescribe his qualifications and duties.

By Mr. Sims:

S. 334. To provide for the registration and len of judgments for the payment of money in all courts of the State of Alabama which are not courts of record.

By Mr. Miller:

S. 323. To ratify, confirm, and validate the issuance of road improvement warrant No. 256 for work on the Peachtree road, by the court of county commissioners of Wilcox county, Alabama; and to ratify, confirm and validate all orders, decrees and contracts by said court of county commissioners necessary to authorize the legal issue of said warrants; and to authorize the treasurer of Wilcox county, Alabama, to pay the interest on said warrants according to its terms as same matures; and to authorize the treasurer of said Wilcox county to pay the principal on **said warrant** when same matures according to its terms.

By Mr. Gunter:

S. 157. To repeal an act entitled "An act to limit costs in civil suits other than unlawful detainer suits involving not more than fifty (\$50.00) dollars, brought or instituted in inferior courts located or established in counties having a population of not less than 80,000 or more than 100,000 thousand, according to the last Federal census or any subsequent Federal census," approved September 17th, 1915.

By Mr. Phillips:

S. 266. To amend section 2 of an act to regulate and prescribe the manner of giving notice of any and all proceedings in the courts to non-residents of the State and county in which proceedings are pending, approved Sept. 18th, 1915.

By Mr. West:

S. 21. To amend sections 1392, 1393, and 1394 of the Code of 1907.

By Mr. Gunter (by request) (with amendment):

S. 149. To amend section 3793 of the Code of 1907.

By Mr. Gunter:

S. 217. In reference to the removal of administrators from the State.

By Mr. Tally:

S. 221. To make clerks of the circuit courts in all counties of this State having a population of more than 32,900 and not more than 33,000, according to the Federal census of 1910, ex-officio clerks of the county courts; to prescribe their duties and fix their compensation and provide for the payment of the same.

By Mr. West:

S. 242. To repeal an act entitled an act to declare the twelfth day of October a legal holdiay, to be known as "Columbus Day," approved March 4th, 1911, Acts 1911, page 91.

By Mr. Phillips:

S. 264. To amend section 4340 (2250) (2373) (2751) (2411) (2015) of the Code of 1907 of Alabama.

By Mr. Phillips:

S. 265. To amend section 3170 of the Code of Alabama.

By Mr. Evins:

S. 273. To amend section 3993 of the Code of Alabama of 1907, such section being erroneously numbered 2993 on page 633 of the Civil Code of Alabama of 1907.

By Mr. Phillips (by request):

S. 281. To amend section 2593 of the Code of Alabama.

By Mr. Baker (with substitute):

S. 263. Providing that mortgages on personal property in this State shall cover only such property as is itemized, described and written into the mortgage at the time of its execution.

By Mr. Lee of Perry:

H. 275. To provide for the fencing or closing in of unused wells, cisterns, or mining shafts in this State.

Mr. Prestwood, chairman of the Standing Committee on Constitution, Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 218. To submit to the qualified electors of this State at a special election to be held at the call of the governor after ninety days from the final adjournment of this Legislature for their consideration of an amendment to the Constitution for the purpose of authorizing the State to establish and maintain a State highway system of public roads and bridges, to issue interest bearing bonds therefor, to authorize the levy and collection of automobile or other motor driven vehicles taxes by the State for said purposes and to provide for the establishment and maintenance of said State highway system, public roads and bridges according to such regulations as the Legislature may have prescribed or may hereafter prescribe.

(The above bill was read a second time at length as required by the Constitution.)

Mr. Griffith, chairman of the Standing Committee on Corporations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time nad placed on the calendar, to-wit:

By Mr. Bedsole:

S. 147. To regulate the enjoyment of existing franchises of corporations by purchasers of its property and their successors.

Mr. Carmichael, chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Murphree:

H. 493. To amend section 6 of an act entitled, "An act to provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty (30) cents on each one hundred (\$100) dollars ~~worth of taxable property in such county~~; to authorize any school district in any county that may be levying special county taxes for school purposes of not less than thirty (30) cents on each one hundred dollars (\$100) ~~worth of taxable property in such county~~, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100) worth of taxable property in such school district; and to authorize boards of education to issue interest-bearing warrants to erect, repair and equip school buildings, and to otherwise improve school facilities," approved February 13, 1919.

#### REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills beg leave to report that said committee, in session, have examined and compared the following engrossed bills with the originals, and find same correctly engrossed, to-wit:

S. 197. To regulate and prescribe the sale of gasoline, benzine, naphtha, and other liquid motor fuels in this State, and to provide for the enforcement of this act.

S. 214. To amend article 2, section 7417, of the Code of 1907.

S. 237. To change the name of the Mount Vernon Hospital to that of "The Searcy Hospital."

S. 239. To amend section ten (10) of an act approved September 25, 1915, and entitled "An act to provide for the appointment of an official court reporter by each circuit judge in Alabama; to fix their compensation, define their duties and provide for special reporters in certain cases."

S. 254. To amend section 3746 of the Code of Alabama of 1907.

S. 255. To exempt Confederate soldiers from paying a license tax on business conducted by them personally in the State of Alabama.



S. 256. To provide bail pending an appeal in all felony cases where the defendant is sentenced to the penitentiary for a term of ten years or less.

S. 258. To authorize the equity courts in this State to correct errors in the description of lands sold by any decree of the equity courts in this State.

S. 259. To require the several counties in this State to be liable for injuries received by persons or property injured by any defects upon any bridge on the public highways of this State, regardless of whether the said bridge was erected by the county, or by a contractor for the county.

S. 271. To provide for notice to the plaintiff of the filing of pleas of set-off, recoupment or any other plea upon which a judgment by default may be taken, and to regulate the taking of judgments by default on such pleas.

S. 279. To fix the compensation of members of the courts of county commissioners and boards of revenue in all counties having a population of not less than 30,900 and not more than 30,975 according to the last Federal census, and to provide for the payment of the same.

S. 284. To amend an act entitled an act providing for the registration, licensing, identification and regulation of motor vehicles operated upon the public highways of this State, and fixing liabilities of persons riding therein, and providing penalties and punishments for violation of the provisions of said act, approved April 22, 1911.

S. 291. To require the court of county commissioners, board of revenue, or other governing body of the county to erect signboards at the intersection or crossing points of all roads and prescribing a penalty for the failure to perform said duty.

S. 310. To fix the salary of the judge of probate of Montgomery county, Alabama, and allowance for clerical help and other expenses in said office, and to provide for payment thereof.

S. 314. To provide for instruction in regard to the humane protection of animals in the public schools.

R. B. Evins,  
E. C. T.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 204. To authorize counties, through their county commissioners, boards of revenue or other governing bodies, to adopt a budget system and to make appropriations to meet expenses thereunder; to issue certificates when requested to holders of

claims which have been passed and allowed prior to the approval of this bill bearing interest, and providing for the payment of said claims.

Also:

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 316. To provide for a census, or enumeration, of all persons enrolled in any branch of the military, naval, marine, or aviation service or other service, of the United States, during the Mexican border troubles and during the European war, and to provide compensation therefor.

Also:

H. 479. To better provide for holding the circuit court of the tenth judicial circuit at Bessemer, in and for the following portions of Jefferson county, to-wit: Williams precinct No. 1, Jonesboro precinct No. 2, Parsons precinct No. 3, Aarons precinct No. 4, Short Creek precinct No. 5, Bethlehem precinct No. 7, Meeks precinct No. 24, Toadville precinct No. 27, Bessemer precinct No. 33, Gwins precinct No. 35, Huey's precinct No. 40, Parkwood precinct No. 41, Mulga precinct No. 49, Virginia Mines precinct No. 51, Fairfield precinct No. 53, and Brighton precinct No. 55, to define the jurisdiction thereof, to provide for organizing and empanelling grand juries therefor and define the jurisdiction of said grand juries, to regulate the holding of said court at said place and otherwise provide therefor.

(With notice and proof attached hereto and exhibited as follows:

#### TO THE PUBLIC.

Notice is hereby given that at the session of the Legislature of Alabama that convened in January, 1919, there will be introduced an act to better provide for holding the circuit court of the tenth judicial circuit at Bessemer for certain designated portions of Jefferson county, Alabama, said act to be in substance as follows:

#### A BILL

To be entitled an act to better provide for holding the circuit court of the tenth judicial circuit at Bessemer, in and for the following portions of Jefferson county, to-wit: Williams precinct No. 1, Jonesboro precinct No. 2, Parsons precinct No. 3, Aarons precinct No. 4, Short Creek precinct No. 5, Bethlehem precinct No. 7, Meeks precinct No. 24, Toadvine precinct No. 27, Bessemer precinct No. 33, Gwins precinct No. 35, Hueys precinct No. 40, Parkwood precinct No. 41, Mulga precinct No. 49, Virginia Mines precinct No. 51, Fairfield precinct No. 53, and Brighton precinct No. 55, to define the jurisdiction thereof, to provide for organizing and empanelling grand juries therefor, and define the

jurisdiction of said grand juries, to regulate the holding of said court at said place and otherwise provide therefor.

Be it enacted by the Legislature of Alabama:

Section 1. That the circuit court of the tenth judicial circuit shall be held in each year at the city of Bessemer in and for the particular territory hereinafter described, in Jefferson county, Alabama, said court when so held, to be presided over by judge No. five of the tenth judicial circuit, and such other judges as may be from time to time, by the presiding judge of the tenth judicial circuit, or the chief justice of the Supreme Court of Alabama, designated. The said circuit court, so held at Bessemer, shall be open all the year for the transaction of business, each day, except Sunday and except on such legal holidays as the court may by an order entered on its records designate from time to time; provided that from the first day of July until the first day of September of each year, no civil cases at law shall be tried in said court without the consent of the parties, but during such period a judge of the tenth judicial circuit, to be designated by the presiding judge of said circuit, shall be at the court house at Bessemer every day except Sunday, for the transaction of such business as may be presented to him, or as may come before said court; provided, further, that the said judge No. five, or such other judge as may at the time be presiding over said division of said court, may order a recess during all or any portion of the week beginning on December 24th of each year, not extending beyond six court days; provided further, that no civil cases shall be set for hearing in said court except by consent of the parties during the week preceding each call of the division in the Supreme Court including Jefferson county and during the first week of such call.

Section 2. The said circuit court of the tenth judicial circuit, holding at Bessemer, as in this act provided, shall have, exercise and possess all of the jurisdiction and the powers which are now or which may hereafter be conferred by law on the several circuit courts of this State, which said jurisdiction and powers shall be exclusive in, limited to, and extend over that portion of the territory of the county of Jefferson which is included in the following precincts, to-wit: Williams precinct No. 1, Jonesboro precinct No. 2, Parsons precinct No. 3, Aarons precinct No. 4, Short Creek precinct No. 5, Bethlehem precinct No. 7, Meeks precinct No. 24, Toadvine precinct No. 27, Bessemer precinct No. 33, Gwins precinct No. 35, Hueys precinct No. 40, Parkwood precinct No. 41, Mulga precinct No. 49, Virginia Mines precinct No. 51, Fairfield precinct No. 53, and Brighton precinct No. 55, as said precincts are at present constituted, and from and over the above mentioned and described territory all jurisdiction and powers heretofore or now exercised or existing therein by the circuit court of the tenth judicial circuit as now held at Birmingham, is hereby expressly excluded.

Section 3. There shall be organized and empanelled for the said circuit court of the tenth judicial circuit holding at Bessemer at least two grand juries each year, and as many more grand juries each year, as the judge presiding over said court may be of the opinion is for the public good, may be organized and empanelled for said court. The grand juries, so held at Bessemer shall have, exercise and possess all of the jurisdiction and powers which are now, or which may hereafter be conferred by law on the grand juries of the several circuits courts of this State, which said jurisdiction and powers of said grand juries shall be exclusive in, limited to, and extend over the same territory in Jefferson county, as hereinabove defined as the territorial jurisdiction of said circuit court holding at Bessemer, and that from and over the above mentioned and described territory all jurisdiction and powers possessed or exercised therein at the time of the passage of this

act by the grand juries of the circuit court of the tenth judicial circuit, as now held at Birmingham, are hereby expressly excluded.

Section 4. The circuit court of the tenth judicial circuit holding at Bessemer, may for all practical purposes, be designated and referred to as the Bessemer Division of the circuit court of Jefferson county.

Section 5. In all cases where an appeal shall now or hereafter lie to the circuit court of the tenth judicial circuit from any judgment or decision rendered by a justice of the peace, a notary public exercising the jurisdiction of a justice of the peace, an inferior court, a recorder's court, a mayor's court, a juvenile court, a probate court, or any other like or similar court by whatever name called, such appeal, from and after the passage of this act, shall lie and be returnable to the circuit court of the tenth judicial circuit holding at Bessemer as in this act provided for, and not elsewhere, in all cases where the court from which the appeal is taken or prosecuted is held within the territory embraced in the precincts hereinabove named and referred to; and in all cases where any process shall issue from the courts of such officers or inferior tribunals returnable to the circuit court the same shall be returnable to the said circuit court of the tenth judicial circuit holding at Bessemer, and not elsewhere; and the same rule, as in this section provided as applicable to appeals, shall likewise be applicable to all cases, causes and proceedings which are authorized by law or which may hereafter be authorized by law to be removed to circuit court by any writ, process or certiorari, regardless of whether it is authorized to be so removed by common law or statutory writ, process or certiorari.

Section 6. That the circuit court of the tenth judicial circuit holding at Bessemer, as in this act provided for, shall, when not in conflict with the provisions hereof, be governed by the same rules, general, local and special laws as govern the said circuit court when holding at Birmingham; but this shall not be construed as prohibiting a judge of said court holding court at Bessemer, as in this act provided for, from promulgating other and different rules governing the practice and procedure in and for said court holding at Bessemer; and all local, special and general laws applicable to the circuit court of the tenth judicial circuit holding at Birmingham shall be applicable to said circuit court holding at Bessemer, when not in conflict with any provision of this act nor with any law or part of a law applicable alone to courts not held at a county site.

Section 7. That the Deputy solicitor and the deputy clerk now provided by law in cases where such courts are held at places other than the county site in such circuits shall be and they are hereby ratified and confirmed as and they shall continue to be the deputy solicitor and deputy clerk, respectively, of said circuit court of the tenth judicial circuit holding at Bessemer, for the terms for which they have been elected and with the powers now or hereafter conferred on them by law, and their successors shall be elected or appointed as now or may hereafter be provided by law, in such cases. The sheriff and other officers of the county who are officers of the circuit court of the tenth judicial circuit shall likewise continue to be officers of said circuit court holding at Bessemer, and shall have and exercise with reference to said court all of the powers that they may now or may hereafter have and exercise with reference to said court holding at Bessemer, or elsewhere.

Section 8. That all warrants or writs or arrest issued by justices of the peace, notaries public exercising the jurisdiction of justices of the peace, judges of inferior courts created in lieu of justices of the peace, and all like or similar officers by whatever name called for the commission of misdemeanors arising or committed in the territory included in the precincts hereinabove mentioned as constituting the territorial jurisdiction of the cir-

cuit court of the tenth judicial circuit holding at Bessemer and over which they have not final jurisdiction shall be made returnable directly to said circuit court holding at Bessemer for trial, and shall there be tried without an indictment of a grand jury, and any circuit judge presiding over the circuit court of the tenth judicial circuit holding at Bessemer, as in this act provided for, is authorized to issue warrants or writs of arrest in all misdemeanor cases, when the misdemeanor for which the warrant or writ of arrest is issued has been committed or arises in the territory included in the precincts in this act mentioned as constituting the territorial jurisdiction of said court holding at Bessemer, returnable directly to said court holding at Bessemer for trial without an indictment of a grand jury.

Section 9. That all summons or other process issued under this act or issued out of the court holding as provided in this act shall be returnable to said circuit court holding at Bessemer, and it shall be so designated in such summons or other process and all books, papers, writs, summons and process used in, issued out of or pertaining to said court holding as in this act provided for may have on them or in them, or both words appropriately designating them as books, papers, writs, summons or process of said Bessemer division of the circuit court.

Section 10. That if any section, sentence, clause or provision of this act is held to be unconstitutional or void such holding shall not in any manner affect any other section, sentence, clause or provision of this act that is not in itself unconstitutional or void.

Section 11. That all laws and parts of laws, whether general, local or special, in conflict with this act are hereby expressly repealed.

Given this January 17th, 1919.

Thos. T. Huey,  
G. F. Goodwyn,  
F. R. Mathews,  
G. H. Bumgardner,  
W. S. Welch.

State of Alabama, }  
Jefferson County. }

Before me, W. S. Welch, a notary public in and for said county, in said State, personally appeared William H. H. Judson, the editor of the Bessemer Weekly, who being by me first duly sworn, deposes and says that the foregoing attached notice was published in the Bessemer Weekly, a weekly newspaper of general circulation published at Bessemer, Jefferson county, Alabama, for four consecutive weeks, that is on the 18th day of January, 1919, the 25th day of January, 1919, the 1st day of February, 1919, and on the 8th day of February, 1919, and that affiant is the editor and proprietor of said paper, and that said notice was published without cost to the State.

Wm. H. H. Judson.  
Sworn to and subscribed before me, this the 2nd day of July, 1919.

(Seal.) W. S. Welch,  
Notary Public.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 204. To the Committee on Finance and Taxation.

H. 316. To the Committee on Military.

H. 479. To the Committee on Local Legislation.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bills, your signature thereto is requested:

H. 264. To provide for the reversion of the title to lands donated to the State as a site for rural schools, when such schools are permanently abandoned.

Also:

H. 267. To fix the license tax to be paid by emigrant or labor agents and to regulate their business.

Fred H. Gormley,  
Clerk.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

H. 264. To provide for the reversion of the title to lands donated to the State as a site for rural schools, when such schools are permanently abandoned.

H. 267. To fix the license tax to be paid by emigrant or labor agents and to regulate their business.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Allen:

H. J. R. 88. Whereas, the Legislature of Alabama has formerly indorsed the project of the citizens of Marengo, Sumter and other counties to bridge the Bigbee; and,

Whereas, an invitation has been extended to the Legislature of Alabama, by the committees in charge, to attend a public celebration to be held in the town of Demopolis on August 14th, in the interest of building of the said bridge and of the good roads movement in the State; now, therefore,

Be it resolved, by the House of Representatives, the Senate concurring, That the said invitation is hereby accepted with grateful appreciation, and that August 14th, the date of the said

public celebration, be set aside as a non-legislative day, in order that the members may attend the said celebration in a body.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

H. J. R. 68, set out in the foregoing message from the House, was read at length and referred to the Standing Committee on Rules.

#### NOTICE.

Mr. Leith gave to the Senate the following notice in writing: "Notice is hereby given that on the next legislative day I, the undersigned, will move to take from the adverse calendar, have the same read a second time and placed on the regular calendar for a third reading, the bill:

H. 37. To amend section two of an act entitled "An act to create a lien in favor of any laborer or employee of any person, firm or corporation engaged in getting, cutting, rafting, shipping, hauling or manufacturing of timber, lumber or cross-ties, and to provide for its enforcement, approved Sept. 10, 1915.

M. L. Leith, Senator."

#### RESOLUTION.

Mr. Acker offered the following joint resolution:

S. J. R. 98. Resolved by the Senate, the House concurring, that when the two houses adjourn today, they shall adjourn to re-convene on Monday next, July 28th, 1919, at 2 o'clock P. M.

Which was, under a suspension of the rules, adopted and ordered sent forthwith to the House without engrossment.

Mr. Briscoe offered the following joint resolution:

S. J. R. 97. Whereas, the basis of wealth in our State is the agricultural products of our farm; and,

Whereas, diversified farming is essential to the highest degree of success and prosperity among our people; and,

Whereas, the encouragement of diversified farming and the promotion of better facilities and methods of marketing farm products is a matter of vast importance to the people of Alabama; and,

Whereas, a lack of such facilities and methods results in annual loss to the State of Alabama of hundreds and thousands of dollars; and,

Whereas, the committee on agriculture and marketing of the Birmingham chamber of commerce has been and now is doing a

great work along the line of encouraging diversified farming and of promoting better facilities for marketing farm products; and,

Whereas, we believe that it would be for the best interest of the whole State and would materially contribute to the promotion of the agricultural and farming interests of our people to have the members of this Legislature become better acquainted with the plans, methods and purposes of said agricultural committee;

Therefore, be it resolved by the Senate of Alabama, the House concurring, that Honorable Hill Ferguson or some other representative of the committee on agriculture and marketing of the Birmingham chamber of commerce, is hereby invited to address a joint meeting of the Senate and House on the plans, methods and purposes of said agricultural committee at a time to be agreed upon and fixed by the President of the Senate and Speaker of the House.

Which was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House bill:

H. 550. To amend an act entitled "An act to regulate the charging of fees and furnishing information within the several departments of the State, and to provide for the covering into the State treasury of such fees," approved September 29th, 1915.

And sends same herewith to the Senate without engrossment.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 550. To the Committee on Rules.

#### BILLS ON THIRD READING.

The bill:

S. 290. To amend an act to provide for the registration of electors.

Was taken up.

Mr. West offered the following amendment to said bill:

Amend Sec. 37 so that line 13 thereof shall read as follows: "between the 1st day of October and the 1st day of Feb" in lieu of the words: "between the 1st day of Feb. and the 1st day of Oct. as they appear therein" and by adding to Sec. 37 the follow-



ing words: "And provided further that no registration shall be allowed within thirty days of any general election or primary."

Which was adopted.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Moore	Rogers (Lauderdale)
Beale	Craft	Morris	Sims
Bedsole	Ellis	McDowell	Smith (Coosa)
Briscoe	Espy	Nance	Smith (Lawrence)
Butler	Harper	Phillips	Tally
Carlton	Miller	Prestwood	West
Carmichael			

—25

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 25; Nays, 1.

*Yeas:*

Messrs:

Acker	Craft	Leith	Prestwood
Beale	Ellis	Miller	Rogers (Lauderdale)
Bedsole	Espy	Morris	Sims
Butler	Evins	Morris	Smith (Coosa)
Carlton	Harper	Nance	Smith (Lawrence)
Carmichael	Kelly	Phillips	West
Cowan			

—25

*Nays:*

Mr. Tally—1.

The bill:

S. 317. To amend section 5757 of the Code of 1907.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Leith	Rogers (Lauderdale)
Beale	Ellis	Miller	Rogers (Sumter)
Bedsole	Espy	Moore	Sims
Briscoe	Evins	Morris	Smith (Coosa)
Butler	Griffith	Nance	Smith (Lawrence)
Carlton	Harper	Phillips	Tally
Carmichael	Huddleston	Prestwood	West
Cowan	Kelly		

—30

*Nays:*—None.

The bill:

S. 282. To amend an act entitled "An act to authorize the recording of affidavits relating to lands in certain instances, and to

make said affidavits, or certified copies of the records thereof, evidence sufficient prima facie to establish the facts therein recited."

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Kelly	Rogers (Lauderdale)
Beale	Cowan	Miller	Rogers (Sumter)
Bedsole	Craft	Moore	Sims
<b>Briscoe</b>	<b>Espy</b>	<b>Morris</b>	<b>Smith (Coosa)</b>
Brown	Evins	Nance	Smith (Lawrence)
Butler	Griffith	Phillips	Tally
Carlton	Harper	Prestwood	West

—28

*Nays:*—None.

The bill:

S. 210. To conserve the natural resources of the State of Alabama, to change the name of the department of game and fish to the department of conservation and to provide that the State game and fish commissioner shall be, hereafter, known as the commissioner of conservation, to vest in the commissioner of conservation the power to enforce and administer all laws providing for the preservation, protection and propagation of wild birds, wild fur-bearing quadrupeds, game, forests, fish, oysters and other shell fish, crustaceans, and all other natural resources of the State, which have not been reduced to private ownership, and to provide that all expenses incurred in the administration of the conservation laws shall be paid out of the game and fish protection fund and the oyster fund.

Was taken up.

Mr. Prestwood offered the following amendment to said bill:

"Amend Senate bill No. 210 by striking therefrom section five (5) of said bill.

Which was lost.

Yeas, 2; Nays, 29.

*Yeas:*

Messrs:

Phillips                      Prestwood

—2

*Nays:*

Messrs:

Acker	Cowan	Huddleston	Nance
Beale	Craft	Kelly	Rogers (Lauderdale)
Bedsole	Ellis	Leith	Rogers (Sumter)
Briscoe	Espy	Miller	Sims
Brown	Evins	Moore	Smith (Coosa)
Butler	Griffith	Morris	Smith (Lawrence)
Carlton	Harper	McDowell	Tally
Carmichael			

—29

Mr. Phillips offered the following amendment to said bill:

Amend Senate bill No. 210 by making section 4 of said bill read as follows:

"That the commissioner of conservation shall receive a salary of \$2,500 per annum, payable monthly out of the game and fish protection fund in the same manner as other State officers are paid."

Which was lost.

Yeas, 6; Nays, 25.

*Yeas:*

Messrs:

Harper	Nance	Prestwood	Smith (Coosa)	—6
Morris	Phillips			

*Nays:*

Messrs:

Acker	Cowan	Huddleston	Rogers (Lauderdale)	—25
Beale	Craft	Kelly	Rogers (Sumter)	
Bedsole	Ellis	Leith	Sims	
Briscoe	Espy	Miller	Smith (Lawrence)	
Butler	Evins	Moore	Tally	
Carlton	Griffith	McDowell	West	
Carmichael				

And said bill was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 2.

*Yeas:*

Messrs:

Acker	Craft	Kelly	Rogers (Lauderdale)	—29
Beale	Ellis	Leith	Rogers (Sumter)	
Bedsole	Espy	Miller	Sims	
Briscoe	Evins	Moore	Smith (Coosa)	
Butler	Griffith	Morris	Smith (Lawrence)	
Carlton	Harper	McDowell	Tally	
Carmichael	Huddleston	Nance	West	
Cowan				

*Nays:*

Messrs:

Phillips and Prestwood—2.

#### REPORT FROM COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Griffith, chairman of the Committee on Revision of the Journal, reported that said committee, in session, had examined the journals of the Senate for the 26th, 27th and 28th legislative days of this session, and find same contain the proper entries in reference to each bill and resolution contained therein, as required by the Constitution.

A. A. Griffith,  
Chairman.

## COMMITTEE REPORT.

On motion of Mr. Griffith, the foregoing report from the Committee on Revision of the Journal was adopted and the journals of the 26th, 27th and 28th legislative days of the session were approved by the Senate.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House accedes to the request of the Senate for a committee of conference on the disagreement of the two houses on the House amendment to the bill,

S. 96. To amend section twelve of an act to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same, and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties.

And the Speaker names as a committee of conference on part of the House Messrs. Dansby, Matthews and Ross.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted:

S. J. R. 98, relative to the adjournment of the two houses until Monday, July 28th, at 2 o'clock P. M.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## BILLS ON THIRD READING RESUMED.

The bill:

S. 223. To fix the salary of the judge of the county court in all counties having a population of not less than thirty-nine thousand one hundred ten (39,110) and not more than thirty-nine thousand two hundred (39,200) according to the Federal census of 1910 and provide for the payment of the same.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:**Messrs:*

Acker	Carmichael	Harper	Prestwood
Beale	Cowan	Moore	Sims
Bedsole	Craft	Morris	Smith (Coosa)
Briscoe	Ellis	McDowell	Smith (Lawrence)
Butler	Espy	Nance	Tally
Carlton	Evins	Phillips	West

—24

*Nays:*—None.

The bill:

S. 228. To amend section 6918 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:**Messrs:*

Acker	Carlton	Evins	Rogers (Lauderdale)
Beale	Carmichael	Harper	Sims
Bedsole	Cowan	Moore	Smith (Coosa)
Briscoe	Craft	McDowell	Smith (Lawrence)
Brown	Ellis	Nance	Tally
Butler	Espy	Phillips	West

—24

*Nays:*—None.

The bill:

S. 226. To amend chancery rule 2, on page 1529 of the Code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

*Yeas:**Messrs:*

Acker	Cowan	Miller	Rogers (Lauderdale)
Beale	Craft	Moore	Sims
Bedsole	Ellis	Morris	Smith (Coosa)
Briscoe	Espy	McDowell	Smith (Lawrence)
Brown	Evins	Nance	Tally
Carlton	Harper	Prestwood	West
Carmichael			

—25

*Nays:*—None.

The bill:

S. 225. To amend subdivision one of section 3074 of the Code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Miller	Sims
Beale	Craft	Morris	Smith (Coosa)
Briscoe	Ellis	McDowell	Smith (Lawrence)
Butler	Espy	Nance	Tally
Carlton	Evins	Prestwood	West
Carmichael	Harper		

—22

*Nays:*—None.

The bill:

S. 331. To amend section 4898 of the Code of 1907.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Huddleston	Prestwood
Beale	Craft	Miller	Sims
Bedsole	Ellis	Moore	Smith (Lawrence)
Butler	Espy	Morris	Tally
Carlton	Evins	McDowell	West
Carmichael	Harper	Phillips	

—23

*Nays:*—None.

The bill:

S. 286. To authorize any bank or trust company doing a banking business, to receive deposits, and, or pay checks or sight drafts and transact other business, on any legal holiday, excepting Sunday.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Moore	Sims
Beale	Cowan	Morris	Smith (Coosa)
Bedsole	Craft	McDowell	Smith (Lawrence)
Briscoe	Ellis	Phillips	Tally
Butler	Espy	Prestwood	West
Carlton	Harper	Rogers (Lauderdale)	

—23

*Nays:*—None.

The bill:

S. 301. To authorize banks to accept drafts or bills of exchange drawn upon them under certain conditions and restrictions.

Was read a third time at length and passed.  
Yeas, 26; Nays, 0.

Yeas:

Messrs:

Acker	Craft	Kelly	Rogers (Sumter)
Beale	Ellis	Miller	Sims
Bedsole	Espy	Moore	Smith (Coosa)
Briscoe	Evins	Morris	Smith (Lawrence)
Butler	Griffith	McDowell	Tally
Carmichael	Harper	Rogers (Lauderdale)	West
Cowan	Huddleston		

—26

Nays:—None.

The bill:

S. 233. To require the superintendent of banks to certify and pay to the treasurer of the State of Alabama all funds remaining in the hands of the superintendent of banks, uncalled for, which have been held by him in trust for depositors and creditors of liquidated banks, from which they were received after three (3) years from the final liquidation of such bank.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Kelly	Rogers (Sumter)
Beale	Craft	Miller	Sims
Bedsole	Ellis	Moore	Smith (Coosa)
Briscoe	Espy	Morris	Smith (Lawrence)
Butler	Evins	McDowell	Tally
Carlton	Harper	Rogers (Lauderdale)	West
Carmichael	Huddleston		

—26

Nays:—None.

#### REPORT OF CONFERENCE COMMITTEE ON S. 96.

Mr. President:

Your Committee on Conference on Senate bill No. 96, beg leave to submit the following report:

Your committee recommend that the Senate concur in the following amendment as amended:

Amend by Mr. Matthews of Clarke, viz.:

Provided, that the commissioners' court must apply the tax to the maintenance of the road on which the payer is apportioned.

Provided further, that when the State takes over any road in

a county to maintain it the provisions of this section shall not apply.

Riley Kelly, Chm.,  
Jno. Rogers,  
On behalf of the Senate.  
W. J. Dansby,  
D. C. Matthews,  
Geo. Ross,  
On behalf of the House.

#### CONFERENCE REPORT.

On motion of Mr. Kelly, the Senate concurred in and adopted the foregoing report of the Committee of Conference on the disagreement of the two houses on the House amendment to:  
By Mr. Kelly:

S. 96. To amend section twelve of an act to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same, and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties.

Yeas, 25; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Huddleston	Rogers (Sumter)
Beale	Craft	Kelly	Sims
Bedsole	Ellis	Miller	Smith (Coosa)
Briscoe	Espy	Moore	Smith (Lawrence)
Butler	Evins	McDowell	Tally
Carlton	Harper	Rogers (Lauderdale)	West
Carmichael			

—25

Nays:—None.

#### RE-CONSIDERATION OF VOTE.

Mr. Carmichael moves that the vote by which the Senate adopted the report of the Committee of Conference on the disagreement of the two houses on the House amendment to Senate bill No. 96, be re-considered, which motion prevailed, and said vote was re-considered.

Mr. Carmichael then moved that said report be re-referred to the Conference Committee previously appointed, which motion



prevailed and said report and bill was re-referred to said Conference Committee.

#### LEAVE OF ABSENCE.

Mr. Phillips asks for leave of absence for himself for next Monday, which was granted.

#### ADJOURNMENT.

On motion of Mr. Carmichael and pursuant to S. J. R. 98, heretofore adopted, the Senate at 1:10 P. M. adjourned until Monday, July 28th, at 2 o'clock P. M.

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### THIRTIETH DAY.

Monday, July 28th, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

#### PRAYER.

By Rev. Dr. Holt of Montgomery.

#### ROLL CALL.

Present:

Mr. President and

Messrs:

Acker	Carmichael	Huddleston	Nance
Baker	Cowan	Kelly	Rogers (Lauderdale)
Beale	Craft	Leith	Rogers (Sumter)
Bedsole	Ellis	Miller	Smith (Coosa)
Briscoe	Espy	Moore	Smith (Lawrence)
Brown	Evins	Morris	Tally
Butler	Harper	McDowell	West
Carlton			

—29

#### JOURNAL.

On motion of Mr. Bedsole, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

#### INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Rogers of Lauderdale:

S. 387. To legalize and validate bonds issued, and authorized by election to be issued, by cities having a population of less than six thousand inhabitants.

Judiciary.

Also:

S. 388. To enforce better sanitary conditions in hotels, inns, rooming houses, restaurants, cafes, dining rooms, lunch counters, and eating places of any kind or description and any establishment of like character furnishing or providing accommodations for the traveling public, with respect to clean, sanitary rooms, beds, linens, towels, bed furnishings and bed covering, furniture and room furnishings, toilet rooms, wash rooms, wash basins or wash bowls, lavatories, stationery or otherwise, privies and seats or stools thereof, etc., and providing for clean eating and cooking utensils, clean table linens and napkins, and the proper screening of sleeping rooms, dining and serving rooms and kitchens where meals are prepared and served, to provide for a proper inspection of all such establishments by the State board of health of Alabama, to empower and instruct the said State board of health of Alabama, to enforce the provisions of this act through legal channels or proceedings as provided by law, to define offenses for the violation of this act and to fix fines and punishment therefor.

Public Health.

By Mr. Huddleston:

S. 389. To fix the time limit for training to be entitled to graduation as nurse.

Public Health.

By Mr. Bedsole:

S. 390. To designate a certain public road of the State of Alabama as a State trunk road to provide the manner in which such road shall be located, improved and maintained.

Public Roads and Highways.

Also:

S. 391. To prohibit the changing, altering, erasing or obliterating factory numbers on motor vehicle tires, and to make the possession of such tires with the factory numbers thereon changed, altered, erased or obliterated, prima facie evidence that such tires were stolen and that the person in possession thereof knew that such tires were stolen.

Judiciary.

By Mr. Baker:

S. 392. To provide for the payment of witnesses before the grand jury, and State witnesses in all criminal cases, and the

fees and commissions of the sheriff and clerks of the circuit court and ex-officio clerk of the county court of Pike county, Alabama, in all criminal cases in which the State fails to convict, out of the general fund of said county.

Judiciary.

(With notice and proof attached and herewith exhibited as follows:)

#### NOTICE.

Notice is hereby given that a bill will be introduced when the Legislature reconvenes providing for the payment of witnesses before the grand juries, and State witnesses in all criminal cases, and for the payment of the fees and commissions of the sheriffs, and clerks of the circuit court and ex-officio clerks of the county court in and for Pike county, in all criminal cases where the State fails to convict out of the general fund of said county.

J. H. Jinright.

The State of Alabama, }  
Pike County. }

Before me, J. H. Jinright, clerk of the circuit court in and for said county and State, personally appeared R. F. Powell, proprietor and publisher of the Troy Herald, a weekly newspaper published in Troy, Pike county, Alabama, who being first duly sworn by me, deposes and says that he published in said newspaper the printed notice hereto attached for more than thirty days in each consecutive weekly issue of said paper, before the reconvening of the Legislature of Alabama, on the 8th day of July, 1919.

R. F. Powell.

Sworn to and subscribed before me, this 1st day of July, 1919.

J. H. Jinright,

Clerk of the Circuit Court.

By Mr. Baker:

S. 393. To regulate the fine and forfeituer fund of Pike county, Alabama, and provide for the registration and payment of claims against said fund.

Judiciary.

(With notice and proof attached and herewith exhibited as follows:)

#### NOTICE.

Notice is hereby given that a bill will be introduced when the Legislature reconvenes to regulate the fine and forfeiture fund of Pike county, to provide for the registration and payment of claims against said fund, to provide that all moneys pertaining to said fund be paid in lawful currency of the United States and in nothing else, and making it a misdemeanor for any officer who collects any money belonging to said fund and willfully fails for more than thirty days to turn same over to the county treasurer.

J. H. Jinright.

The State of Alabama, }  
Pike County. }

Before me, J. H. Jinright, clerk of the circuit court in and for said county and State, personally appeared R. F. Powell, proprietor and publisher of the Troy Herald, a weekly newspaper published in Troy, Pike

county, Alabama, who being first duly sworn by me, deposes and says that than thirty days in each consecutive weekly issue of said paper, before the reconvening of the Legislature of Alabama, on the 8th day of July, 1919.

R. F. Powell.

Sworn to and subscribed before me, this 1st day of July, 1919.

J. H. Jinright,

Clerk of the Circuit Court.

By Mr. Evins:

S. 394. For the relief of T. H. Pearson.

Finance and Taxation.

(With notice and proof attached and herewith exhibited as follows:)

### COPY.

"Notice is hereby given that a bill will be introduced in the Legislature of Alabama, after it reconvenes on July 8th, 1919, for the relief of T. H. Pearson, and to appropriate about \$1,002.15 to reimburse said Pearson for the value of 51 head of cattle which died while in quarantine and after being dipped by State officials, said damage being occasioned by the wrong or negligence of the officials dipping said cattle, and occurring on or about the 15th day of May, 1915.

T. H. Pearson.'

State of Alabama, }  
Hale County. }

Before me, the undersigned authority, personally appeared W. E. W. Yerby, who being first duly sworn, deposes and says that he is the publisher of the Greensboro Watchman, a weekly newspaper published in Greensboro, Alabama, and that the notice hereto annexed has been published in said Greensboro Watchman once a week for four consecutive weeks, before this date, and that said notice appeared in the issues of said newspaper of dates June 26th, 1919, July 3, 10, 17, 1919; that he knows the said T. H. Pearson, whose name appears in said notice, and that he is a resident of Hale county, Alabama.

W. E. W. Yerby.

Sworn to and subscribed before me this the 19th day of July, 1919.

Thomas E. Knight,

Notary Public in and for said State and County.

By Mr. Craft:

S. 395. To change the amount or fix the amount, of the salary or compensation to be paid to the county treasurer of any county of the State, having a population of eighty thousand or over according to the last or any succeeding Federal census; to provide the method and manner of its payment; and to repeal all laws or parts of laws, general, local or special, in conflict with this act.

Finance and Taxation.

Also:

S. 396. To authorize and empower county commissioners, or commissioners court of any county, by whatever name called, to furnish or provide reasonable comforts and conveniences for the various county offices in their respective counties.

Finance and Taxation.

Also:

S. 397. To authorize, regulate and prescribe the manner of summoning by registered mail witnesses and jurors in any and all proceedings in any and all courts in this State.

Judiciary.

By Mr. Evins:

S. 398. To fix the salaries of the several justices of the supreme court.

Finance and Taxation.

Also:

S. 399. To fix the salary of the several judges of the court of Appeals.

Finance and Taxation.

Also:

S. 400. To fix the salary of the several circuit judges in Alabama.

Finance and Taxation.

Also:

S. 401. To provide the method of conveying real estate, or any interest therein, which may be sold under any mortgage or deed of trust, or under any execution, or under the decree of any court.

Judiciary.

By Mr. Craft:

S. 402. To prescribe the qualifications, duties and compensations of coroners and their assistants; making it unlawful for anyone to remove or disturb the body of a person whose death is due to violence before an inquest by the coroner if he deems it necessary to make it the duty of the sheriff to execute any, and all, process directed to him by the coroner in the discharge of his official duties; to authorize coroners to punish contempts, to authorize and empower coroners to perform autopsies upon the bodies of persons who have died by violence when necessary to ascertain the causes of death, to prescribe the pay of witnesses and jurors in proceedings by coroners; to authorize any person to pick up and to secure the bodies of any deceased person found in any of the waters or streams in any of the counties embraced in this act; and to further provide for their compensation for so doing. This act shall embrace and shall apply only to counties in this State containing not less than eighty thousand nor more than eighty-one thousand inhabitants; according to the last Federal census, and shall repeal all laws and parts of laws in conflict with this act.

Revision of Laws.

Also:

S. 403. To amend section 1 of "An act to provide for the more efficient working of the public roads in Mobile county, and certain streets and public thoroughfares in the city of Mobile; provide for the control, working, building, maintenance and improvement of the same by the board of revenue and road commissioners of Mobile county; to prescribe the duties and fix the authority of said board; to provide for the levy and collection of a road tax, and the method of disbursing moneys necessary to carry out the provisions of this act and provide penalties for violation of its provision," which act was approved August 2nd, 1907.

**Public Roads and Highways.**

(With notice and proof attached and herewith exhibited as follows:)

**NOTICE.**

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama to amend section 1 of "An act to provide for the more efficient working of the public roads in Mobile county, and certain streets and public thoroughfares in the city of Mobile; provide for the control, working, building, maintenance and improvements of the same by the board of revenue and road commissioners of Mobile county; to prescribe the duties and fix the authority of said board; to provide for the levy and collection of a road tax, and the method of disbursing moneys necessary to carry out the provisions of this act and provide penalties for violation of its provisions," which act was approved August 2nd, 1907, which said proposed act is in substance as follows:

**AN ACT**

To amend section 1 of "An act to provide for the more efficient working of the public roads in Mobile county, and certain streets and public thoroughfares in the city of Mobile; provide for the control, working, building, maintenance and improvement of the same by the board of revenue and road commissioners of Mobile county; to prescribe the duties and fix the authority of said board; to provide for the levy and collection of a road tax; and the method of disbursing moneys necessary to carry out the provisions of this act, and provide penalties for violation of its provisions," as approved August 2nd, 1907.

Be it enacted by the Legislature of Alabama, That section 1 of an act entitled, "An act to provide for the more efficient working of the public roads in Mobile county, and certain streets and public thoroughfares in the city of Mobile; provide for the control, working, building, maintenance and improvement of the same by the board of revenue and road commissioners of Mobile county; to prescribe the duties and fix the authority of said board; provide for the levy and collection of a road tax and the method of disbursing moneys necessary to carry out the provisions of this act, and provide penalties for violations of its provisions," which said act was approved August 2nd, 1907, be and the same is hereby amended so as to read as follows: Be it enacted by the Legislature of Alabama, that the entire control, management, and supervision of public roads in the county of Mobile are hereby lodged and vested in the board of revenue and road commission of Mobile county and said board shall have full and complete au-

thority to provide for the repair, maintenance and improvement of the same, and to that end may, in addition to the fund realized from the road tax herein provided for, set apart and appropriate such amount from the general fund collected under authority of the act as said board may deem necessary to carry out the provisions of this act.

State of Alabama, }  
Mobile County. }

Before me, Inez Kramer, a notary public, in and for said State and county, personally appeared R. G. Rapier, who being by me first duly sworn, deposes and says: I am the secretary-treasurer of the Mobile Register, a newspaper published daily in the city and county of Mobile, state of Alabama; further, that the attached notice was published in the said Mobile Register for four consecutive weeks, viz: June 10th, June 17th and June 24th, all of the year 1919.

R. G. Rapier.

Subscribed and sworn to before me this 3rd day of July, 1919.

Inez Kramer,

(Seal.)

Notary Public, Mobile County, Alabama.

By Mr. Craft:

S. 404. To amend section 2359 of the Code of Alabama.  
Finance and Taxation.

By Mr. Brown (of St. Clair):

S. 405. To amend sections three and five of an act approved February the 7th, 1919, entitled "An act to establish and provide for State-wide eradication of the cattle fever tick (*margaropus annulatus*) and any other tick that shall be found to carry a disease producing infection to cattle or any other domestic animals."  
Agriculture.

By Mr. Ellis (by request):

S. 406. To amend chapter 193 of the Code of Alabama, 1907.  
Agriculture.

#### REPORT OF COMMITTEE.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Acker:

S. 316. To declare the force and effect of judgments and decrees of courts of record, insofar as they relate to matters of special or limited jurisdiction.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Murphree:

H. J. R. 95. Be it resolved by the House of Representatives, the Senate concurring, that a joint committee of the two houses, consisting of two members of the House of Representatives, to be appointed by the Speaker, and one member of the Senate, to be appointed by the President, whose duty it shall be to forthwith examine into the status and the affairs, the needs and requirements, the present utility and capacity for future usefulness of the Mercy Home Industrial School and State Training School for Girls, and report to the two houses the committee's recommendations:

First: Whether or not the State shall continue contributing to the maintenance and care of either or both these institutions.

Second. If so, a definite and practical plan for the State to follow with reference to such contribution, maintenance and care, of either or both of said institutions.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

H. J. R. 95, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

#### REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

S. 223. To fix the salary of the judge of the county court in all counties having a population of not less than thirty-nine thousand one hundred ten (39,110) and not more than thirty-nine thousand two hundred (39,200) according to the Federal census of 1910 and provide for the payment of the same.

Also:

S. 225. To amend subdivision one of section 3074 of the Code of Alabama of 1907.

Also:

S. 226. To amend chancery rule 2, on page 1529 of the Code of Alabama of 1907.

Also:

S. 228. To amend section 6918 of the Code of Alabama.

Also:

S. 233. To require the superintendent of banks to certify and pay to the treasurer of the State of Alabama all funds remaining



in the hands of the superintendent of banks, uncalled for, which have been held by him in trust for depositors and creditors of liquidated banks, from which they were received after three (3) years from the final liquidation of such bank.

Also:

S. 282. To amend an act entitled "An act to authorize the recording of affidavits relating to lands in certain instances, and to make said affidavits, or certified copies of the records thereof, evidence sufficient prima facie to establish the facts therein recited."

Also:

S. 286. To authorize any bank or trust company doing a banking business, to receive deposits, and, or pay checks or sight drafts and transact other business, on any legal holiday, excepting Sunday.

Also:

S. 290. To amend an act to provide for the registration of electors.

Also:

S. 301. To authorize banks to accept drafts or bills of exchange drawn upon them under certain conditions and restrictions.

Also:

S. 317. To amend section 5757 of the Code of 1907.

Also:

S. 331. To amend section 4898 of the Code of 1907.

R. B. Evins,  
E. C. T.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 168. To amend sections 8 and 10 of an act entitled "An act to regulate the fine and forfeiture of Cullman county, and to provide for the registration and payment of claims against said fund," approved September 25th, 1915.

And has amended as therein shown and as amended has passed:

S. 95. To amend sections 2 and 3 of an act entitled "An act to establish a board of revenue for Shelby county, and to abolish the court of county commissioners thereof," passed at the session of 1911, being in Local Acts of Alabama, page 154, said amendment making the president and members of said board elective by the qualified voters of said county, and fixing the term of office of said president and members of said board and the time of their election and providing that in case of a vacancy in the

office of president or a member of said board, the vacancy shall be filled by election by a majority of the members of the board, for the unexpired term; and providing further that the president and members of the board now holding office shall hold their said office until their successors are elected and qualified under the provisions of this act.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Rogers of Sumter, the consideration of S. 95, the title of which is set out in the foregoing message from the House, and the House amendment thereto, was postponed until the next legislative day.

#### NOTICE OF MOTION TO TAKE FROM ADVERSE CALENDAR.

Mr. Briscoe gave to the Senate, the following notice in writing:

Notice is hereby given that the undersigned will, on the next legislative day, make a motion to take from the adverse calendar, have the same read a second time and placed on the regular calendar, for a third reading, the bill:

H. 182. To prohibit the keeping, exhibiting or operating of pool or billiard tables, on which the public can play, outside incorporated cities and towns having a police force.

A. W. Briscoe.

#### BILL TAKEN FROM ADVERSE CALENDAR.

Pursuant to written notice heretofore given, Mr. Leith moved to take from the adverse calendar, have the same read a second time and placed on the calendar for a third reading on tomorrow, the bill:

H. 37. To amend section two of an act entitled "An act to create a lien in favor of any laborer or employee of any person, firm or corporation engaged in getting, cutting, rafting, shipping, hauling, or manufacturing of timber, lumber, or cross-ties, and to provide for its enforcement," approved September 10th, 1915.

Which motion prevailed, and said bill was taken from the adverse calendar, read a second time and placed on the regular calendar for a third reading on tomorrow.

#### LEAVE OF ABSENCE.

On motion of Mr. Acker, leave of absence for today and tomorrow was granted Mr. Sims.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 458. Relating to dependent, neglected, or delinquent children in all counties of Alabama which have a population of as many as eighty-two thousand people, and not more than one hundred thousand, according to the last Federal census; to define who are dependent, neglected or delinquent children; to declare that such children shall be wards of the State; to provide for their custody, discipline, supervision, care, protection, guardianship and welfare; to create and establish in such counties such juvenile courts, and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction, under the terms of this act, to try and determine the question of dependency, neglect or delinquency of children in such counties, and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training; and generally to confer upon such courts jurisdiction and power to try and determine all questions arising under the terms of this act, or which may otherwise be referred to them by law, for adjudication; or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this act; to provide for the trial and punishment of those who aid, abet, cause or connive at, or contribute to the delinquency, neglect or dependency of such children; to provide and regulate the procedure in such cases, and to confer power upon such courts, to make such rules and regulations and to devise such forms, where not otherwise provided for under the terms of this act, as shall be found necessary or convenient to the exercise of its jurisdiction, or for the conduct of probation officers or their work, as provided for in the act; to provide for the taking and enforcement of recognizances and bonds; and for the taking of appeals from the decisions of such courts; to provide for the trials of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline under the terms of this act; and for the appointment of an advisory board to such courts, and to define the duties and powers of such boards; to provide for the appointment of the judge or other officers of such courts and to define their powers and duties, and to provide for their compensation; to declare that should any part of this act be found unconstitutional that it will not affect the remainder thereof, and to provide for the repeal of all laws in conflict with this act.

Also:

H. 11. To extend and regulate the granting of teachers' certificates to persons who served in the army or navy of the United States during the war with Germany.

Also:

H. 55. To authorize and empower all cities of the State of Alabama having more than 100,000 population according to the last or any subsequent Federal census to condemn or acquire by purchase or otherwise a right of way, easement or other interest in land for the purpose of connecting private property with the sanitary or storm sewerage system of any such city, and to assess the cost of the acquisition of such right of way, easement or other interest in such land, and the cost of constructing such connection against the property benefited thereby.

Also:

H. 412. To authorize and require the city school board, or city board of education, or by whatever name called, in all cities or towns of this State having a population of not less than 38,000 nor more than 40,000, according to the last or any succeeding Federal census, to provide a pension or retiring allowance for teachers who served in the public schools of such city or town.

Also:

H. 436. To authorize all counties having a population of 18,889 and not exceeding 18,890 according to the last Federal census to prescribe punishment for not working the public roads in such counties and to determine what shall constitute a legal excuse for failure to work public roads after due notice is given.

Also:

H. 477. To provide for the payment and retirement of claims against the fine and forfeiture fund in counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

Also:

H. 483. To provide for the appointment of an assistant solicitor for each judicial circuit in the State composed of one county with three circuit judges, to fix the term of said office, to prescribe the duties and authority of said assistant solicitor, and to fix his compensation.

Also:

H. 304. To abolish the office of the county treasurer of Perry county, and to provide for the court of county commissioners of Perry county, to contract annually with one or more banks in the county of Perry to keep and be custodian of the county funds, requiring bank or banks to give bond as such custodian; said bank or banks to receive and disburse all county funds or warrants allowed by court of county commissioners on

certificates from circuit court clerk or of judge of county court, to require tax collector to pay all county moneys over to such bank or banks taking triplicate receipts therefor, requiring all other collecting or receiving county funds to pay same over to said bank or banks, making it unnecessary to have certificates of redemption to be countersigned, requiring probate judge to safely keep redemption money and pay same over to purchaser on surrender of purchaser's certificate.

(With notice and proof attached and herewith exhibited as follows:)

Notice is hereby given that an act will be presented for passage to the approaching Legislature to convene in the month of January, 1919, the substance of which is as follows:

To abolish the office of county treasurer of Perry county, and to provide for the court of county commissioners of Perry county to contract annually with one or more banks in the county of Perry to keep and be custodian of the county funds, requiring the bank or banks to give bond as such custodian, said bank or banks to receive and disburse all county funds on warrants allowed by court of county commissioners or certificates from circuit clerk or of judge of county court to require tax collector to pay all county moneys over to such bank or banks taking triplicate receipts therefor, requiring all others collecting or receiving county funds to pay same over to said bank or banks, making it unnecessary to have certificates of redemption to be countersigned, requiring probate judge to safely keep redemption money and pay same over to purchaser on surrender of purchasers of certificates.

The State of Alabama, }  
Perry County. }

Before me, W. T. Harris, judge of probate in and for said State and county, personally appeared Irby Pope, manager of the Times-Standard, a newspaper published in Perry county, Alabama, who being duly sworn, deposes and says that the foregoing notice was published in The Times-Standard each week for four successive weeks, and that said notice was published in the following issues of said paper, to-wit: December 26, 1918; January 2, 1919; January 9, 1919; January 16, 1919.

Irby Pope.

Sworn to and subscribed before me this January 18, 1919.

W. T. Harris,  
Judge of Probate.

H. 325. To provide for the better construction, maintenance and protection of the public roads and bridges of Coffee county, Alabama; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect; to provide for the appointment of a county superintendent of public roads and bridges, and to prescribe his qualifications, powers, and duties.

(With notice and proof attached hereto and exhibited as follows:

#### NOTICE OF GOOD ROADS BILL FOR COFFEE COUNTY.

Notice is hereby given that a bill will be introduced for passage in the Legislature of Alabama which convenes in January, 1919, providing for a

system of good roads in Coffee county, Alabama, the substance of which is as follows:

That persons liable to road duty pay compensation in lieu of work ten days, fixing the amount at \$4.00 if paid by January 15th of each year, or \$5.00 if paid after January 15th; and after February 1st of each year persons liable and failing to pay shall be in default and subject to a fine upon conviction, which fine shall be paid into the road and bridge fund of the county; that all persons not paying by February 1st of each year shall be in default unless they have filed a declaration with the superintendent of public roads electing to work ten days on the roads during the year. Said bill will also provide for the collection of said per capita taxes and the application and expenditure of the same in the beats or precincts where paid in the upkeep and maintenance of the roads and repair of the bridges.

That the convicts of the county may be worked on the public roads of the county, or bridges, or may be hired to another county and the money received from the hire thereof paid into the road and bridge fund of the county; said bill will provide for working convicts by joint agreement of board of revenue or like governing body with the road authorities of other counties, combining them into one gang, provided an equitable division of the time of the gang of the several counties shall be arranged; also providing for working the State convicts on the public roads of the county, and providing specifically for the regulation of working said convicts, and that they shall not be worked in squads or companies with other persons required by law to perform road duty.

That the special tax of one-fourth of one percentum provided by the Constitution of Alabama on all taxable property of the county for the construction of public buildings, roads and bridges and their maintenance shall be levied by the board of revenue, or like governing body, at the time of making the levy of taxes for general county purposes, which shall be paid into the road and bridge funds when collected and shall be applied for the purposes collected, which shall be for paying off any debt or liability now existing or that may hereafter exist or be created for the erection, construction or maintenance of necessary public buildings, roads and bridges of the county. This is the 25c on the one hundred dollars of taxable property which is now being levied, but paid into the general funds of the county. The local law here mentioned will provide for this money to be paid into the road and bridge fund of the county.

That all moneys received from license taxes on automobiles, or other motor vehicles, or vehicles whatsoever, shall be paid into the road and bridge fund and used exclusively for the construction and maintenance of public roads and bridges of the county.

That all moneys received from the per capita road taxes, in lieu of work shall be paid into the road and bridge funds but provided that an equal amount paid by each beat shall be used for the maintenance of the roads or bridges in the beat where paid.

That the board of revenue, or like governing authorities, shall at the April term of 1920, and each year thereafter make and enter an order on the minutes of the board of revenue, or like governing authority, transferring from the general funds to the county an amount not less than \$5,000.00 to the "road and bridge fund" of the county, and may transfer as much more as in their judgment the condition of the treasury will warrant from time to time, increasing the said road and bridge fund from the general funds as may be consistent with the demands against the county.

That all fines and forfeitures for violations of the road laws shall be paid in money into the road and bridge fund and used for the construction

and maintenance of roads and bridges; that the hire of all convicts be paid into said road and bridge fund and used for roads and bridges.

That there shall be a "county road and bridge fund" for Coffee into which shall be paid: 1. All moneys received from persons liable to road duty, paid in lieu of work; 2. All moneys received from hire of convicts; 3. All moneys received from the special levy of  $\frac{1}{4}$  of one per centum provided for in said bill; 4. All moneys received from automobile license or other vehicle licenses; 5. All moneys received from fines and forfeitures for violations of road laws; 6. All funds transferred from the general funds of the county to the road and bridge fund as provided in said bill.

That the county treasurer shall keep separate accounts of the road and bridge funds and pay the same out on order of the board of revenue or like governing authority.

That the board of revenue, or like governing authority, shall within reasonable time, not exceeding six months, if practicable, after the passage of this bill, to elect a superintendent of public roads for Coffee county, for a term of one year, unless sooner removed for cause, who shall be a civil engineer and experienced in road and bridge building, and who shall stand an examination of his fitness before the State highway commission of Alabama and receive a certificate of competency before he shall be eligible for said position; that he shall give bond and take the usual oath of office; that he shall have the supervision of the construction and maintenance of the public roads and bridges of the county, under the general direction of the road authorities of the county, and the board of revenue, or like governing body, shall fix the salary of said superintendent, not to exceed \$1,800 a year; that provision shall be made for payment of said salary out of the road and bridge fund; that said superintendent of public roads shall select his subordinate employees subject to the approval of the board of revenue; that he shall have the general and immediate supervision of the roads of the county, and shall have an office at the county seat, or elsewhere in the county and devote his whole time to the work; said bill will prescribe and define the duties and powers of said superintendent.

That the rights of way of first class roads shall be fifty feet; second class roads, forty feet; and third class roads, thirty feet. That the board of revenue may secure rights of way by donations, purchase or condemnation, and providing that the board of revenue or like governing authority shall have the authority and power to condemn land for roads and bridges as provided under article 1, chapter 79 of the Code of Alabama, 1907, notwithstanding other modes of proceeding by law, and providing that said proceedings shall be conducted in the name of the county as petitioner, and for all payment of charges in connection with such proceedings.

That surveys be made for construction or improvement of roads, providing specific regulations regarding the establishment of new roads, making profiles, plats, maps, submitting same to board of revenue or like governing body, giving notice of proceedings, contracting for building of roads and bridges, letting contracts out to lowest bidder under certain conditions prescribed, and in fact and detail setting out the manner of constructing and maintaining roads under the supervision of the superintendent of public roads and general direction of the board of revenue, or like governing body. The substance of the provisions are the defining the duties and powers of the board of revenue and superintendent of public roads in working the roads, constructing and maintaining, either by contract or force account, the details of said bill not being set out here.

The contractors must give bond to protect the county and individual persons, firms or corporations from damages.

That an economic and safe plan be followed in the matter of purchasing materials and supplies, machinery, etc., for road building and repair work, and for bridges; that requisitions be prepared and submitted by the superintendent of public roads, and prices quoted, and no materials purchased until approved and ordered by the board of revenue. The details of this plan are not given here.

The bill will provide for systematic plans of work and will provide for payment of bills for work in such manner as to safeguard the treasury of the county; that all bills must be properly examined and approved before payment, itemized statements being furnished in duplicate, approved by superintendent of public roads and board of revenue and providing against graft or extravagance, waste and inefficiency in the expenditure of the county funds for roads and bridges.

~~That beat supervisors be appointed.~~ providing for their appointment and qualification by giving bond and taking oath; providing for a system of beat supervision by beat supervisors, under direction of county superintendent of public roads; that an enumeration of all persons liable to road duty be made by said supervisors and per capita taxes collected by them, and providing for their compensation for their services on an economic plan; providing for the maintenance of all roads, and prescribing penalties for failure to discharge duties imposed on beat supervisors, making them liable on their bonds for failure to keep roads in good passable condition.

That penalties be provided for violation of the provisions of said law; providing for the more efficient working of the roads and providing in general a system of public roads and bridges for Coffee county, Alabama, which shall be economically and efficiently administered.

This January 13th, 1919.

J. A. Carnley,  
Representative of Coffee,  
Elba, Alabama.

State of Alabama, }  
Coffee County. }

Before me, J. F. Brunson, notary public in and for said State and county, personally appeared R. C. Bryan, who being sworn, says on oath, that he is editor and publisher of the Elba Clipper, a newspaper published at Elba, Coffee county, Alabama, and that the hereto attached notice was published in said newspaper once a week for 4 consecutive weeks, the first insertion being in issue dated January 14, 1919, and the last in issue dated February 4, 1919.

Sworn to and subscribed before me this 5th day of February, 1919.

J. F. Brunson,  
N. P. in and for said State and County.

Also:

H. 367. To abolish the corporation of the town of Equality, Coosa county, Alabama, and the officers pertaining thereunto.

(With notice and proof attached hereto and exhibited as follows:

#### NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama at the next meeting of the present session to annul the charter of the town of Equality, Coosa county, Alabama, and to dissolve said municipal incorporation.



The State of Alabama, }  
Coosa County. }

Before me, a notary public in and for said State and county, personally appeared A. D. Bentley, publisher of the Chronicle, a newspaper published weekly in Coosa county, Alabama, and states that the attached notice was published four consecutive weeks, beginning with the issue of June 6, 1919, and ending with June 27, 1919.

A. D. Bentley,  
Publisher.

Sworn to and subscribed before me this the 5th day of July, 1919.

Henry A. Teel,  
Notary Public.

Also:

H. 381. To authorize the court of county commissioners of DeKalb county, Alabama, to levy a special tax of three-twentieths of one percent on all taxable property in DeKalb county for the purpose of repairing and maintaining the public roads of said county.

(With notice and proof attached and exhibited as follows:

#### NOTICE OF LOCAL LAW.

To Whom It May Concern:

You will take notice that at the next session of the Legislature of Alabama, the following bill will be introduced, and an effort made to have same enacted into law:

#### AN ACT

To authorize the court of county commissioners of DeKalb county, Alabama, to levy a special tax of three-twentieths of one percent on all taxable property in DeKalb county for the purpose of repairing and maintaining the public roads of said county.

Be it enacted by the Legislature of Alabama:

That the commissioners' court of DeKalb county, Alabama, be and it is hereby authorized to levy each year a special tax of three-twentieths of one percent on all taxable property in DeKalb county, to be levied, assessed and collected as other taxes are, and paid into the county treasury and kept as a separate fund and used exclusively for the repair and maintaining of the public roads in said county.

The State of Alabama, }  
DeKalb County. }

Before me, James A. Croley, judge of probate of said county, personally appeared T. H. Smith, who being first duly sworn, deposes and says that he is the editor of the Fort Payne Journal, a weekly newspaper published in DeKalb county, Alabama, and that the above and foregoing notice of local law has been published four consecutive weeks in said paper during the year 1919.

Thos. H. Smith,  
Publisher.

Sworn to and subscribed before me, this 25th day of June, 1919.

Jas. A. Croley,  
Judge of Probate.

H. 382. To repeal an act entitled, "An act to provide for a better system of public roads for the county of DeKalb in this State," approved September 22, 1915.

(With notice and proof attached hereto and exhibited as follows:

#### NOTICE OF LOCAL LAW.

To Whom It May Concern:

You will take notice that at the next session of the Legislature of Alabama, the following bill will be introduced, and an effort made to have same enacted into law:

#### AN ACT

To repeal an act entitled "An act to provide for a better system of public roads for the county of DeKalb in this State," approved September 22, 1915.

Be it enacted by the Legislature of Alabama:

That an act entitled, "An act to provide for a better system of public roads for the county of DeKalb in this State," approved September 22, 1915, be and the same is hereby repealed.

The State of Alabama, }  
DeKalb County. }

Before me, James A. Croley, judge of probate of said county, personally appeared T. H. Smith, who being first duly sworn, deposes and says that he is the editor of the Fort Payne Journal, a weekly newspaper published in DeKalb county, Alabama, and that the above and foregoing notice of local law has been published four consecutive weeks in said paper during the year 1919.

This the 25th day of June, 1919.

Thos. H. Smith,  
Publisher.

Sworn to and subscribed before me, this 25th day of June, 1919.

Jas. A. Croley,  
Judge of Probate.

Also:

H. 384. To repeal an act entitled an act to authorize the commissioners' court of Etowah county to levy a tax for making the public roads of said county, and to provide for keeping said roads in repair. To provide that the general road laws shall apply to Etowah county.

(With notice and proof attached hereto and exhibited as follows:

#### NOTICE OF REPEAL OF LOCAL LAW.

Notice is hereby given that an act will be introduced in the Legislature of Alabama providing for the repeal of an act of the Legislature of Alabama, approved February 7th, 1901, entitled, "An act to authorize the commissioners' court of Etowah county to levy a tax for making the public roads of said county, and to provide for keeping said roads in repair," so as to have the general road law of Alabama apply to Etowah county.

## PROOF OF PUBLICATION.

State of Alabama, }  
 Etowah County. }

Personally appeared before me, Alto V. Lee, a notary public in and for said county, A. W. McCulloch, publisher of the Gadsden Evening Journal, a newspaper published at Gadsden in said county, who, being first duly sworn, states that the annexed publication has been regularly made in said newspaper once a week from January 22nd, 1919, for four consecutive weeks.

A. W. McCulloch.

Sworn to and subscribed before me this the seventeenth day of June, 1919.

Alto V. Lee,  
 Notary Public.

Also:

H. 385. To require all fines imposed by any court in Etowah county upon convictions of any and all criminal offenses against the State laws and all forfeitures made final, to be paid in money, requiring such money to be deposited in the fine and forfeiture fund of the county; to provide the manner of paying warrants now and hereafter drawn against said fund, and to appropriate any surplus of said fund to the public road fund of the county.

(With notice and proof attached hereto and exhibited as follows:

## NOTICE.

Notice is hereby given that the bill below described will be introduced in the Legislature of Alabama when it convenes in July, 1919, for passage:

## A BILL

To be entitled an act to require all fines imposed by any court in Etowah county, upon convictions of any and all criminal offenses against the State laws and all forfeitures made final, to be paid in money requiring such money to be deposited in the fine and forfeiture fund of the county; to provide the manner of paying warrants now and hereafter drawn against said fund, and to appropriate any surplus of said funds to the public road fund of the county.

## PROOF OF PUBLICATION.

State of Alabama, }  
 Etowah County. }

Before me, E. L. Hurst, clerk of the circuit court in and for said county, personally appeared A. W. McCulloch, publisher of the Gadsden Evening Journal, a newspaper published at Gadsden in said county, who, being first duly sworn, deposes and says that the annexed publication has been regularly made in said newspaper once a week for four (4) consecutive weeks, beginning on the 11th day of April, 1919.

A. W. McCulloch.

Sworn to and subscribed before me this the 19th day of June, 1919.

E. L. Hurst,  
 Clerk Circuit Court, Etowah County, Alabama.

Also:

H. 390. To abolish the county court of Greene county and the offices thereto attached and to provide for the transfer of all trials of prosecutions instituted therein and not disposed of, together with all papers, processes, records and documents relating thereto, to the clerk of the circuit court of said county, and to provide for the clerk of said circuit court receiving the same to enter all such cases on the proper docket of said circuit court for trial as though originally filed therein.

(With notice and proof attached hereto and exhibited as follows:)

#### NOTICE.

Notice is hereby given that the following local bill abolishing the county court of Greene county, and the offices thereto attached, and providing for transfer of all papers and documents relating thereto to the circuit court of said county will be introduced at present session of the Legislature, 1919. February 3, 1919.

A. P. Smith,  
Representative.

#### AN ACT

To abolish the county court of Greene county and the offices thereto attached and to provide for the transfer of all trials of prosecutions instituted therein and not disposed of, together with all papers, processes, records and documents relating thereto, the clerk of the circuit court of said county, and to provide for the clerk of said circuit court receiving the same to enter all such cases on the proper docket of said circuit court for trial as though originally filed therein.

Be it enacted by the Legislature of Alabama:

Section 1. That the county court of Greene county and the offices thereto attached, as provided for by an act "To re-establish the county courts which are provided for in article three (3), chapter one hundred and ninety-eight (198) of the Code of Alabama in all of the counties wherein the same have heretofore been abolished, except in counties having a population of fifty thousand (50,000) or more, according to the last preceding Federal census, and to define the power, jurisdiction and duty of all the county courts which are hereby re-established, and of all the county courts which are provided for by the article three (3) of chapter one hundred and ninety-eight (198) of the Code of Alabama and to prescribe the manner in which prosecutions for misdemeanors shall be begun, tried and determined therein, and appeals taken therefrom and to transfer all indictments pending in any county courts of the circuit court of the county when found for trial therein, and to repeal all laws whether local, general or special, in conflict with the provisions of this act," approved September 25, 1915, be and the same is abolished in so far as the same applies to Greene county.

Sec. 3. That the judge of said court be and he is hereby required and directed to transfer all trials or prosecutions instituted in said county court and not disposed of together with all papers, processes, records and documents relating thereto to the clerk of the circuit court of said county, and the clerk of said circuit court so receiving the same, be and he is hereby directed and authorized to enter such cases on the proper docket of said circuit court for trial as though originally filed therein.

Sec. 4. That all laws and parts of laws in conflict with this act in so far as the same applies to Greene county, be and they are hereby repealed.

Sec. 5. That this act shall become effective immediately after its approval.

The State of Alabama, }  
Greene County. }

Before me, the undersigned notary public in and for Greene county, Ala., personally appeared James S. Coleman, editor and proprietor of the Greene County Democrat, a weekly newspaper publisher in said Greene county, who, being by me first duly sworn, says that the notice hereto attached to the proposed local law with said law was published in said Greene County Democrat once each week for four (4) consecutive weeks after February 7th, 1919.

James S. Coleman,  
Editor and Proprietor of Greene County Democrat.

Sworn to and subscribed before me, this the 5th day of July, 1919.

(Seal.) James C. Lucius,  
Notary Public in and for Greene County, Alabama.

Also:

H. 402. To make the sheriffs fees the same in the county court of Lauderdale county, Alabama, as they are in the circuit court.

(With notice and proof attached hereto and exhibited as follows:)

#### AN ACT OF THE LEGISLATURE.

To be entitled an act to make the sheriff's fees the same in the county Court of Lauderdale county, Alabama, as they are in the circuit court.

Section 1. Be it enacted by the Legislature of Alabama, That from and after the passage of this act and the approval thereof, the sheriff of Lauderdale county, Alabama, shall receive the same fees in the county court that he receives in the circuit court for the same or like service rendered.

The State of Alabama, }  
Lauderdale County. }

Before me, Jas. C. Roberts, a notary public in and for the State and county aforesaid, personally appeared before me W. M. Sparks, who being by me first duly sworn, on oath deposes and says that he is business manager of the Florence Times, a newspaper published in Lauderdale county, Alabama, and that the foregoing notice as above attached was published for four consecutive weeks in said Florence Times as shown thereon.

W. M. Sparks,  
Business Manager.

Subscribed and sworn to before me this July 5th, 1919.

Jas. C. Roberts,  
Notary Public.

H. 423. To repeal the charter of the town of Thompson, sometimes called Thompson Station, in the county of Bullock.

(With notice and proof attached hereto and exhibited as follows:)

Notice of intention to apply to the Legislature of Alabama, at its present or adjourned session in July, 1919, to repeal the charter of the town of Thompson or Thompson Station, in Bullock county, Alabama.

Notice is hereby given, as provided and required by section 106 of the Constitution of Alabama, of 1901, of the intention to apply to the Legislature of Alabama, at its present, or adjourned session, in July, 1919, to repeal or rescind the charter of the town of Thompson, or Thompson Station, in Bullock county, Alabama, and that a bill will be introduced in the Legislature to rescind the charter of said town, which said town was incorporated under the general laws of the State of Alabama, on to-wit: September 8, 1883, as appears by reference to Corporation Book, number one, at pages 20 and 21, in the probate office of Bullock county, Alabama.

Dated at Union Springs, Alabama, this 15th day of April, 1919.

J. M. Ellis.

W. P. Wylie.

State of Alabama, }  
Bullock County. }

I, H. S. Caldwell, being first duly sworn, deposes and says that I am the editor and publisher of the Union Springs Herald, a newspaper published in Union Springs, Bullock county, Alabama, and that the hereto attached notice regularly appeared and was published in said paper for four consecutive weeks, on the following dates, to-wit: April 16, April 23, April 30 and May 7, all in the year 1919, same being the regular dates for the issue of said paper.

(Signed) H. S. Caldwell.

Sworn to and subscribed before me this the 8th day of July, 1919.

(Signed) Ernest L. Blue,  
Notary Public.

H. 456. To amend section 1 of an act to fix and regulate the fees of witnesses in criminal cases in the county court and circuit court of Marion county and before the grand jury of said county, and to provide for the payment thereof. Approved August 21, 1915. Relates to the fees of witnesses.

(With notice and proof attached hereto and exhibited as follows:)

#### NOTICE.

#### A BILL

To be entitled an act to amend section 1 of an act to fix and regulate the fees of witnesses in criminal cases in the county court and circuit court of Marion county and before the grand jury of said county, and to provide for the payment thereof, approved August 21, 1915. Relates to the fees of witnesses.

Be it enacted by the Legislature of Alabama:

Section 1. That the act to fix and regulate the fees of witnesses in criminal cases in the county court and circuit court of Marion county, Alabama, and before the grand jury of said county, and to provide for the payment thereof, approved August 21, 1915, be amended so as to read as follows:

"Section 1. That witnesses in criminal cases in the county court and in the circuit court of Marion. county, Alabama, and before the grand jury

of said county, are entitled to one dollar per day and five cents per mile to and from their residence by the route usually traveled."

Section 2. That all laws, general, special or legal, in conflict with the provisions of this act be and the same hereby repealed.

## PUBLISHER'S AFFIDAVIT.

The State of Alabama, }  
Marion County. }

Before me, C. E. Mitchell, notary public in and for said county, in State aforesaid, personally appeared E. H. Wilson, who, being duly sworn, doth depose and say that she is publisher of The Marion County News, a weekly newspaper published in the town of Hamilton, State and county aforesaid, and that a certain advertisement (a true copy of which is hereto attached) has been published in said newspaper for 4 consecutive weeks prior to the 15th day of February, 1919, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit: No. 4, the 22nd day of January, 1919; No. 5, the 29th day of January, 1919; No. 6, the 5th day of February, 1919; No. 7, the 12th day of February, 1919. And that there was no agreement between publisher and officer, and that the actual and lowest cost of said advertisement is \$8.82 and unpaid.

E. H. Wilson,  
Publisher.

Sworn to and subscribed before me, this 15th day of February, 1919.

C. E. Mitchell,  
Notary Public.

Also:

H. 457. To provide a better system of road building and construction for the county of Marion.

(With notice and proof attached hereto and exhibited as follows:)

## NOTICE.

## A BILL

To be entitled an act to provide a better system of road building and construction for the county of Marion.

Be it enacted by the Legislature of Alabama:

Section 1. That the court of county commissioners be and they are hereby required in prescribing road service for the citizens of Marion county, under the law who are required to render such service, to either require such citizens to work the public roads for a period of ten days each year, or else require such persons, not desiring to do such work, to pay into the road fund the sum of ten dollars (\$10.00), in lieu of such work.

Section 2. Be it further enacted, that all laws and parts of laws in conflict with this act be and the same are hereby repealed.

## PUBLISHER'S AFFIDAVIT.

The State of Alabama, }  
Marion County. }

Before me, C. E. Mitchell, notary public in and for said county, in State aforesaid, personally appeared E. H. Wilson, who, being duly sworn, doth depose and say that she is publisher of The Marion County News, a weekly newspaper published in the town of Hamilton, State and county aforesaid, and that a certain advertisement (a true copy of which is hereto attached)

has been published in said newspaper for 4 consecutive weeks prior to the 15th day of February, 1919, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit: No. 4, the 22nd day of January, 1919; No. 5, the 29th day of January, 1919; No. 6, the 5th day of February, 1919; No. 7, the 12th day of February, 1919. And that there was no agreement between publisher and officer, and that the actual and lowest cost of said advertisement is \$6.12 and unpaid.

E. H. Wilson,  
Publisher.

Sworn to and subscribed before me, this 15th day of February, 1919.

C. E. Mitchell,  
Notary Public.

Also:

H. 466. To amend section 1 of an act entitled an act to amend sections 2 and 20 of an act entitled an act to establish a new charter for the town of Edwardsville, Cleburne county, approved February 18, 1897.

(With notice and proof attached hereto and exhibited as follows:)

#### NOTICE OF PROPOSED LEGISLATION.

Notice is hereby given that a bill will be introduced at the 1919 session of the Legislature of Alabama, which said bill is as follows, to-wit:

#### A BILL

To be entitled an act to amend section 1 of an act entitled an act to amend sections 2 and 20 of an act entitled an act to establish a new charter for the town of Edwardsville, Cleburne county, approved February 18, 1897.

Section 1. Be it enacted by the Legislature of Alabama, That section 1 of an act entitled an act to amend sections 2 and 20 of an act entitled an act to establish a new charter for the town of Edwardsville, Cleburne county, approved February 18, 1897, be amended so as to read as follows:

Section 2. Be it further enacted, That the corporate limits of said town shall extend to and embrace all the territory within one-half mile of the court house in said town, but the jurisdiction of the corporate authorities of said town for school purposes shall extend to and embrace all the territory within two miles of said town courthouse, and the board of trustees for public schools provided for in this act may be elected from the qualified citizens residing within said two-mile limit from said court house as provided by this act.

Section 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

N. A. Sox,  
Mayor Edwardsville.

The State of Alabama }  
Cleburne County. }

Before me, Frances Hunnicutt, a notary public, personally appeared C. F. Dodson, who being by me duly sworn, says that he is the publisher of the Cleburne News, a newspaper of general circulation published weekly in the town of Heflin, Cleburne county, Alabama; that the notice, a copy of which appears herein, was published in said Cleburne News without cost to the State once a week for four consecutive weeks as follows:



January 30, 1919; February 6, 1919; February 13, 1919; February 20, 1919; February 27, 1919.

C. F. Dodson,  
Publisher Cleburne News.

Sworn to and subscribed before me this March 12th, 1919.

Frances Hunnicutt,  
Notary Public.

H. 467. To authorize the court of county revenues of Dallas county to adopt a budget system in said county and such rules and regulations as may be necessary to carry same into effect, and for the proper government of said county, and confirming the action of said court in putting into effect a budget system for the years 1918 and 1919.

(With notice and proof attached hereto and exhibited as follows:)

#### NOTICE.

Notice is hereby given that the undersigned will introduce for passage by the Legislature of Alabama when the same meets in July, 1919, a bill providing substantially as follows:

#### ▲ BILL

To be entitled an act to authorize the court of county revenues of Dallas county to adopt a budget system in said county and such rules and regulations as may be necessary to carry same into effect and for the proper government of said county, and confirming the action of said court in putting into effect a budget system for the years 1918 and 1919.

Section 1. Be it enacted by the Legislature of Alabama, That the court of county revenues of Dallas county be and it is hereby empowered to adopt a budget system for said county and to that end to make appropriations from the revenues of said county necessary to meet the expenses of county government as may be provided in the budget so adopted; provided, that the claims of grand and petit jurors for compensation, and the court of county revenues for their compensation, as shown by the certificates issued to them; interest on the bonded indebtedness of the county, as shown by the coupons on the bonds or other competent evidence; accounts for necessary stationery for the county are to be preferred in their payment to all other claims, except special appropriations for the county jail as provided for under sections 140 and 142 of the Code of 1907, which have priority over all other claims. Next to these are to be preferred claims for the support of the poor and thereafter a claim for the use of a building for a court house, the county not having a suitable building, is to be preferred, thereafter the claim of the secretary of State for certified copies of field notes is to be preferred.

Section 2. Be it further enacted, That the action of the court of county revenue and the probate judge of said county in putting into effect and carrying out a budget system during the years 1918 and 1919 be and the same is hereby ratified and confirmed.

Section 3. Be it further enacted that all laws and parts of laws in conflict with this act be and the same are hereby repealed.

W. M. Vaughan,  
Probate Judge.

The State of Alabama }  
 Dallas County. }

Personally appeared before me, W. M. Vaughan, probate judge in and for said county in said State, M. H. Raiford, who is known to me and who is known to me to be business manager of Selma Times, a newspaper published daily in Selma, Dallas county, Alabama, who being duly sworn deposes and says: That the attached notice was published in said paper on the following dates, to-wit: May, 15th, 22nd, 29th, June 5th, 1919.

M. H. Raiford,  
 Business Manager.

Sworn to and subscribed before me this the 7th day of July, 1919.

W. M. Vaughan,  
 Probate Judge, Dallas County, Alabama.

H. 468. To authorize and empower the probate judge of Dallas county to issue interest-bearing certificates or warrants in extension of certificates or warrants heretofore issued by the probate judge of Dallas county under authority of the court of county revenues or other law; to draft proper form of certificate or warrant, and to define the effect of such certificate or warrant.

(With notice and proof attached hereto and exhibited as follows:)

#### NOTICE.

Notice is hereby given that the undersigned will introduce for passage by the Legislature of Alabama, when it meets in July, 1919, a bill providing substantially as follows:

#### A BILL

To be entitled an act to authorize and empower the probate judge of Dallas county to issue interest-bearing certificates or warrants in extension of certificates or warrants heretofore issued by probate judge of Dallas county under authority of the court of county revenues or other law; to define the effect thereof.

Be it enacted by the Legislature of Alabama:

Section 1. That the probate judge of Dallas county be and he is hereby authorized and empowered to issue certificates or warrants in extension of certificates or warrants which have heretofore been issued by the probate judge of Dallas county and which shall be on the date of the approval of this act due or past due said certificates or warrants to bear interest at a rate not exceeding six per centum per annum and payable not later than five years from the date of such issuance.

Section 2. Be it further enacted, That the probate judge of said county be and he is hereby authorized and empowered to draft a proper form of certificates or warrant for use as provided in section 1 hereof, and when such certificate or warrant is issued by said probate judge in pursuance of the purpose and authority expressed herein, such certificate or warrant shall have the same force and effect and prestige in payment as the certificate or warrant in extension of which it shall have been issued and shall bear the same number as the original warrant.

Section 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions hereof be and the same are hereby repealed.

Watkins M. Vaughan,  
 Probate Judge.

The State of Alabama }  
 The County of Dallas. }

Personally appeared before me, W. M. Vaughan, probate judge in and for said county and State, M. H. Raiford, who, being duly sworn, deposes and says: That he is business manager of the Selma Times, a newspaper published in Selma, Dallas county, Alabama; that the attached notice was published in said Selma Times four consecutive weeks beginning on the 4th day of June, 1919.

(Signed) M. H. Raiford,  
 Business Manager.

Sworn to and subscribed before me this the 7th day of July, 1919.

(Signed) W. M. Vaughan,  
 Probate Judge, Dallas County, Alabama.

H. 469. To provide for the collection by the court of county revenues of Dallas county of a sum of money in lieu of road duty, to fix the amount thereof, and to set such times as the same shall be payable or shall be barred from payment.

(With notice and proof attached hereto and exhibited as follows:)

#### NOTICE.

Notice is hereby given that the undersigned will introduce for passage by the Legislature of Alabama when same meets in July, 1919, a bill providing substantially as follows:

#### A BILL

To be entitled an act to provide for the collection by the court of county revenues from all persons subject to road duty in Dallas county of a sum of money in lieu of road duty, to fix the amount thereof, and to set such times as same shall be payable or shall be barred.

Section 1. Be it enacted by the Legislature of Alabama, That the court of county revenues of Dallas county be and is hereby authorized and empowered to collect from all persons subject to road duty in said county in lieu of work on the public roads, a sum of money not exceeding fifteen dollars each per annum, and to make all necessary rules and regulations for collecting the same, including a provision that any person subject to road duty in said county who fails to pay such sum as may be prescribed by said court of county revenues, not exceeding fifteen dollars per annum, in lieu of work on said public roads, and who fails to work on said public roads under one of the road overseers or any county road superintendent acting under authority from the court of county revenues, for the time required by the general law, shall be guilty of a misdemeanor and shall be subject to all the pains and penalties and liabilities prescribed by the general laws for the failure to work on the public roads after legal notice. Provided, that no one shall have the right to pay money in lieu of work after July 1st, in any year except by special act of the court of county revenues.

Section 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

W. M. Vaughan,  
 Probate Judge.

The State of Alabama }  
 Dallas County. }

Personally appeared before me, W. M. Vaughan, probate judge in and for said county in said State, M. H. Raiford, who is known to me and who

is known to me to be business manager of the Selma Times, a newspaper published daily in Selma, Dallas county, Alabama, who being duly sworn deposes and says: That the attached notice was published in said paper on the following dates, to-wit: May 15, 22, 29, June 5, 1919.

(Signed M. H. Raiford,  
Business Manager.

Sworn to and subscribed before me this the 7th day of July, 1919.

(Signed) W. M. Vaughan,  
Notary Public, Dallas County, Alabama.

Also:

H. 470. To make it unlawful to solicit orders from or sell to tenants or laborers or others on plantations in Dallas county certain articles without the consent of certain persons; to prescribe the penalty for the violation of this act and to confer on justices of the peace jurisdiction to try causes arising hereunder.

(With notice and proof attached hereto and exhibited as follows:)

#### NOTICE.

Notice is hereby given that the undersigned will introduce for passage by the Legislature of Alabama when it meets in July, 1919, a bill providing substantially as follows:

#### A BILL

To be entitled an act to make it unlawful to solicit orders from or sell to tenants or laborers or others on plantations in Dallas county certain articles without the consent of certain persons; to prescribe the penalty for the violation of this act and to confer on justices of the peace jurisdiction to try causes arising hereunder.

Section 1. Be it enacted by the Legislature of Alabama: That it shall be unlawful for any one to enter upon the plantation of any person in Dallas county for the purpose of soliciting orders from or selling to tenants or sub-tenants or laborers or others on said plantation patent medicines or any medicines of like nature and kind, clocks, lightning rods, pictures, picture frames, maps or magazines published outside the State of Alabama, or merchandise to be sold on the installment plan, without first obtaining the written consent of the landlord of said plantation; provided, the provisions hereof shall not apply to regular drummers or salesmen selling to a merchant doing business on such plantation.

Section 2. Be it further enacted: That the violation of section 1 of this act shall be deemed a misdemeanor and shall be punishable by a fine not exceeding fifty dollars or imprisonment in the county jail or hard labor for the county for not exceeding thirty days, or both.

Section 3. Be it further enacted: That any justice of the peace or person exercising the jurisdiction of justice of the peace in Dallas county shall have jurisdiction of offenses arising under the provisions hereof.

Section 4. Be it further enacted: That the provisions hereof shall be effective upon the approval hereof by the governor.

Section 5. Be it further enacted: That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

J. A. Minter.

The State of Alabama }  
 Dallas County. }

Personally appeared before me, W. M. Vaughan, probate judge in and for said county in said State, Niel Kincey, who is known to me and who is known to me to be business manager of Selma Journal, a newspaper published daily in Selma, Dallas county, Alabama, who being duly sworn, deposes and says: That the attached notice was published in said paper on the following dates, to-wit: June 4, 11, 18, 25, 1919.

Niel Kincey,

Business Manager Selma Journal.

Sworn to and subscribed before me this the 7th day of July, 1919.

W. M. Vaughan,

Probate Judge, Dallas County, Alabama.

Also:

H. 486. To prescribe and regulate the payment of certain claims registered against the fine and forfeiture funds of St. Clair county, when there are such funds in the hands of the county treasurer or any bank or individual who are discharging the duties of county treasurer and to give notice to such persons there are funds in the hands of such treasurer for the payment of claims by publication in county newspaper for two weeks.

(With notice and proof attached hereto and exhibited as follows:)

#### NOTICE.

The Legislature of Alabama now in session will be asked to pass this act, in substance as follows:

Sec. 1. Be it enacted by the Legislature of Alabama, That for each year after the passage of this act on the 1st day of October. If there is funds in the hands of county treasurer, county depository or individual discharging the duties of county treasurer belonging to the fine and forfeiture funds of St. Clair county, and that such claims have not been presented for payment. It shall be the duty of the treasurer, county depository or individual discharging the duties of county treasurer to give notice for publication in a newspaper published in said county for two consecutive weeks of the facts, giving the names of the owner or holder of such claims and the amount of same and that if not presented for payment by the 1st day of January following, it shall be the duty of the county treasurer, depository or individual acting as county treasurer to apply the money to succeeding claims in the order registered. Provided, that nothing in this act shall be construed as to permit the payment of such claims so passed over at any time when there is money in the treasury to pay the same when presented.

Act 2. That all laws and parts of laws in conflict of this act are hereby especially appealed.

State of Alabama, }  
 St. Clair County. }

Before me, Jas. M. Garrett, clerk of circuit court in and for said State and county, came one B. B. Cather, editor of the Southern Aegis, and after being by me first duly sworn, on oath do say, that he is the editor of the Southern Aegis, a newspaper published at Ashville, Alabama, and that the hereto attached notice of a bill was published in his paper for six weeks before the date of this affidavit.

B. B. Cather,

Editor The Southern Aegis.

Sworn to and subscribed to before me this April 3rd, 1919.

Jas. M. Garrett,  
Clerk of Circuit Court St. Clair County, Alabama.

Also:

H. 499. To abolish the county board of equalization of Butler county, Alabama, and to re-enact article 7, chapter 45 of the Code of Alabama of 1907, so as to apply to Butler county, Alabama.

(With notice and proof attached hereto and exhibited as follows:)

#### NOTICE.

Notice is hereby given that at the present session of the Legislature of Alabama when it reconvenes in July, 1919, a bill will be introduced to abolish the county board of equalization of Butler county, Alabama, and to re-enact article 7 of the Code of Alabama of 1907, so that the same shall apply to Butler county, Alabama.

The State of Alabama }  
Butler County. }

Before me, J. G. Reynolds, a notary public in and for said State and county, personally came J. B. Stanley, who being by me duly sworn, says on oath that he is the proprietor and publisher of the Greenville Advocate, a newspaper published in the city of Greenville, county of Butler, State of Alabama, and that the above and foregoing notice attached to this affidavit was published once a week for four consecutive weeks in said Greenville Advocate prior to the making of this affidavit, to-wit: in the issues of said paper of June 18th, June 25th, July 2nd and July 9th, 1919. Affiant further states that said notice was published without cost to the State of Alabama.

J. B. Stanley.

Sworn to and subscribed before me this 12th day of July, 1919.

J. G. Reynolds,  
Notary Public.

Also:

H. 500. To provide for the election of a superintendent of education for Butler county, Alabama, by the qualified voters of Butler county, at the next general election held in said county, and to prescribe his qualifications and duties and fix his term of office and salary.

(With notice and proof attached hereto and exhibited as follows:)

#### NOTICE.

Notice is hereby given that at the present session of the Legislature of Alabama when it reconvenes in session in July, 1919, a bill will be introduced which will provide for the election of the superintendent of education for Butler county, Alabama, by the qualified voters of Butler county at the next general election held in said county, prescribe his qualification, fix his term of office, prescribing his duties and fixing his salary.

The State of Alabama }  
Butler County. }

Before me, J. G. Reynolds, a notary public in and for said State and county, personally came J. B. Stanley, who being by me duly sworn, says

on oath that he is the proprietor and publisher of the Greenville Advocate, a newspaper published in the city of Greenville, county of Butler, State of Alabama, and that the above and foregoing notice attached to this affidavit was published once a week for four consecutive weeks in said Greenville Advocate prior to the making of this affidavit, to-wit: in the issues of said paper of June 18th, June 25th, July 2nd and July 9th, 1919. Affiant further states that said notice was published without cost to the State of Alabama.

J. B. Stanley.

Sworn to and subscribed before me this 12th day of July, 1919.

J. G. Reynolds,  
Notary Public.

Also:

H. 504. To amend section one (1) of an act entitled, "An act to incorporate the town of Opp in the county of Covington, State of Alabama," approved February 28th, 1901.

(With notice and proof attached hereto and exhibited as follows:)

#### NOTICE.

Notice is hereby given that a bill will be introduced at the adjourned session of the Legislature to be convened in July, 1919, to amend section one of an act entitled, "An act to incorporate the town of Opp, in the county of Covington, Alabama," approved February 28th, 1901, so that section one of said act will read as follows:

Section 1. Be it enacted by the Legislature of Alabama, That the town of Opp, in the county of Covington, be and the same is hereby incorporated, and the corporate limits of said town shall embrace an area of land described as follows:

Section 28, east half of section 29, north east quarter of section 32, north half of section 33, west half of north west quarter of section 34, and the west half of the west half of section 27, all of said land being in township 4, range 18, in Covington county, Alabama; and the present and future inhabitants of the said town of Opp, as by this act incorporated shall be and they are by this act made and constituted a body corporate and politic under the name and style of the "Town of Opp," under and by which name all the corporate powers and privileges of said town, by this act granted, shall be executed, and the said corporation shall sue and be sued, and plead and be impleaded, answer and be answered in all manner of suits, either in law or in equity; may keep a common seal, and may purchase, receive, hold, sell, encumber and let real and personal property to the amount of fifty thousand dollars.

Dated 30th day of May, 1919.

State of Alabama, }  
County of Covington, }  
Town of Opp, Alabama. }

Before me, E. Y. Adams, a justice of the peace in and for said State and county, personally appeared Norton Johnston, of the Opp Messenger, a newspaper published in the town of Opp, county of Covington, State of Alabama, who being duly sworn, says that the notice below was duly published by the Opp Messenger, and that the same appeared in the following issues of said paper: June 13th, June 20th, June 27th, and July 4th, 1919.

## NOTICE.

Notice is hereby given that a bill will be introduced at the adjourned session of the Legislature of Alabama, to be convened in July, 1919, to amend section one (1) of an act entitled, "An act to incorporate the town of Opp, in the county of Covington, Alabama, approved February 28th, 1901, so that section one (1) of said act will read as follows:

Section one (1). Be it enacted by the Legislature of Alabama, That the town of Opp, in the county of Covington, Alabama, be and the same is hereby incorporated, and the incorporate limits of said town shall embrace an area of land described as follows: Section twenty-eight (28), east half of section 29, north east quarter of section 32, north half of section 33, west half of north west quarter of section 34, and west half of the west half of section 27, all of said land being in township 4, range 18, in Covington county, Alabama, and the present and future inhabitants of said town of Opp, as by this act incorporated shall be and they are by this act made and constituted a body corporate and politic under the name and style of the Town of Opp, under and by which name all the corporate powers and privileges of said town by this act granted shall be executed and the said corporation shall sue and be sued and plead and be impleaded, answer and be answered, in all manner of suits, either in law or in equity, may keep a common seal and may purchase, receive, hold, sell, encumber, and let real and personal property to the amount of fifty thousand dollars..

This the 30th day of May, 1919.

Norton Johnston,

Owner and Proprietor of the Opp Messenger.

Sworn to and subscribed before me this the 8th day of July, 1919.

E. Y. Adams,

(Seal.)

Justice of the Peace, Opp, Alabama.

H. 403. To make the clerk of the circuit court of Lauderdale county, Alabama, ex-officio clerk of the county court of Lauderdale county, Alabama. To provide for compensation for his services as such clerk.

(With notice and proof attached hereto and exhibited as follows:)

## AN ACT OF THE LEGISLATURE.

To be entitled an act to make the clerk of the circuit court of Lauderdale county, Alabama, ex-officio clerk of the county court of Lauderdale county, Alabama. To provide for compensation for his services as such clerk.

Section 1. Be it enacted by the Legislature of Alabama, That from and after the passage of this act, and the approval thereof, the clerk of the circuit court of Lauderdale county, Alabama, be, and he is hereby made ex-officio clerk of the county court of said county, and he shall have the authority and it shall be his duty to take affidavits and issue warrants thereon, issue writs, subpoenas and all other process, and perform all other duties as clerk of the county court that he is authorized and required to perform as clerk of the circuit court, and he shall receive the same fees and commissions in all cases in the county court that he is entitled to in the circuit court, to be charged and collected for in the same way.



The State of Alabama, }  
 Lauderdale County. }

Before me, Jas. C. Roberts, a notary public in and for the State and county aforesaid, personally appeared before me W. M. Sparks, who being by me first duly sworn, on oath deposes and says that he is business manager of the Florence Times, a newspaper published in Lauderdale county, Alabama, and that the foregoing notice as above attached was published for four consecutive weeks in said Florence Times as shown thereon.

W. M. Sparks,  
 Business Manager.

Subscribed and sworn to before me this July 5th, 1919.

Jas. C. Roberts,  
 Notary Public.

Also:

H. 482. To further regulate the public school system of the county of Mobile by establishing a board of school commissioners for Mobile county, of five members, in the place and stead of the board of school commissioners of Mobile county, as at present constituted; which new board of five members shall have the same title and exercise the same rights, powers, duties and privileges as are now had and exercised by the board of school commissioners of Mobile county as at present constituted; and to that end, to abolish the board of school commissioners of Mobile county as now constituted.

(With notice and proof attached hereto and exhibited as follows:)

#### TO WHOM IT MAY CONCERN.

Notice is hereby given that at the adjourned session of the Legislature of the State of Alabama, to be held in the city of Montgomery, Alabama, commencing on July 8th, 1919, a bill will be introduced to further regulate the public school system of the county of Mobile by establishing a board of school commissioners, for said county of Mobile, consisting of five members, in the place and stead of the board of school commissioners of Mobile county, consisting of nine members, as at present constituted, and abolishing the board of school commissioners of Mobile county as at present constituted; which said bill will also provide for the appointment in the first instance of such five members of said board, so to be constituted, by the superintendent of education of the State of Alabama, and the election of such board in the future at general elections by the people of the county; and which said act will make no change in the general body of existing law touching the public school system of Mobile county, except the substitution of a board of five members for a board of nine members, and the necessary changes in detail of division of the members into classes, their election in rotation and administration changes required to harmonize the provisions of the said general body of existing law with a board so reduced in number of members from nine to five.

State of Alabama, }  
 Mobile County. }

Before me, Minnie E. Shultz, a notary public in and for said State and county, this day personally appeared R. G. Rapier, who being known to me, and being by me first duly sworn, on his oath deposes and says that he is

business manager of the Mobile Item Company, Inc., publishers of the Mobile News-Item, a newspaper published in said State and county, and that the attached notice was published in the issues of said paper on the 12th, 19th and 26th days of March, and the 2nd day of April, 1919.

R. G. Rapier.

Subscribed and sworn to before me this 25th day of June, 1919.  
(Seal.)

Minnie E. Shultz.

Also:

H. 509. To require all unpaid fees accruing to the sheriff or clerk and fees accruing to State's witnesses in criminal cases in Henry county, Alabama, since the 1st day of January, 1913, and prior to the 1st day of August, 1919, to be registered and paid out of the fine and forfeiture fund of said county.

(With notice and proof attached hereto and exhibited as follows:)

#### NOTICE.

Is hereby given that application will be made to the Legislature of Alabama, which reconvenes on the 8th day of July, 1919, for the passage of the following law:

#### A BILL

To be entitled an act to require all unpaid fees accruing to the sheriff or clerk and fees accruing to State's witnesses in criminal cases in Henry county, Alabama, since the 1st day of January, 1913, and prior to the 1st day of August, 1919, to be registered and paid out of the fine and forfeiture fund of said county.

Be it enacted by the Legislature of Alabama:

Section 1. That all unpaid fees accruing to the sheriff or clerk of Henry county, Alabama, and fees accruing to State's witnesses in criminal cases in Henry county, Alabama, since the first day of January, 1913, and prior to the first day of August, 1919, shall be paid out of the fine and forfeiture fund of Henry county, Alabama, by the depository thereof after the same have been registered as herein provided for, upon presentation of said claims to said depository by the lawful holder thereof, on the first day of January, 1920, or as soon thereafter as there shall be sufficient funds in said depository with which to pay said fees.

Section 2. That all persons owning any unpaid fees accruing to the sheriff or clerk of Henry county, Alabama, of fees accruing to State's witnesses in criminal cases in Henry county, Alabama, since the first day of January, 1913, and prior to the first day of August, 1919, shall register the same with the depository of said county prior to the first day of January, 1920. All claims not so registered prior to the first day of January, 1920, with said depository as herein required, shall be forever barred and said depository shall not pay them.

Section 3. That said depository after said claims have been registered as herein provided for shall pay them in the order in which they accrued.

Section 4. That when any of said claims shall be registered as herein provided such registration shall show when said claim accrued and the amount thereof.

Deemed by the court of county commissioners of Henry county, Alabama, at its June term, 1919, as applicable to the said entire county.

H. W. Owens,

Judge of Probate, as Chairman.

## PROOF OF NOTICE OF PUBLICATION.

State of Alabama, }  
 Henry County. }

Personally appeared before me, H. W. Owens, judge of probate in and for said county, H. H. Golson, who being duly sworn, deposes and says that he is editor and publisher of The Abbeville Herald, a newspaper published in the town of Abbeville, in said county, which has a general circulation in said county, in which newspaper was published for four consecutive weeks the foregoing and attached law, on dates, to-wit: June 12th, 19th and 26th, also July 3rd, 1919.

H. H. Golson.  
 Editor and Publisher.

Sworn and subscribed to before me, this July 9, 1919.

H. W. Owens,  
 Judge of Probate.

H. 507. To provide for the payment of the fees of State's witnesses in criminal cases in Henry county, Alabama.

(With notice and proof attached hereto and exhibited as follows:)

## NOTICE.

Is hereby given that application will be made to the Legislature of Alabama, which reconvenes on the 8th day of July, 1919, for the passage of the following law:

## A BILL.

To be entitled an act to provide for the payment of the fees of State's witnesses in criminal cases in Henry County, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That after the passage of this act when any person is subpoenaed as a witness before the grand jury of Henry county, Alabama, in a criminal case and procures a certificate of his attendance before said grand jury as a witness signed by the foreman of the grand jury said certificate shall be paid out of the fine and forfeiture fund of said county by the depository of said county on presentation of said certificate by the lawful holder thereof to said depository.

Section 2. That where any party appears as a State's witness in a criminal case in the circuit or county court of Henry county, Alabama, and procures a certificate of his attendance signed by the clerk of said court said certificate shall be paid out of the fine and forfeiture fund of said county by the depository thereof on the presentation of said certificate to said depository by the lawful holder thereof.

Section 3. That the depository of said county shall set apart out of the general fund of said county and transfer same to the credit of the fine and forfeiture fund of said county an amount sufficient to pay the fees herein provided for.

Section 4. That when any person is convicted of a crime in the circuit or county court of Henry county, Alabama, and State witness fees are collected from said person said fees shall be paid by the officer collecting them to the depository of said county, and be credited to the fine and forfeiture fund of said county, and said fees shall be paid out by said depository only on witness fees as provided for in section one and two hereof.

Deemed by the court of county commissioners of Henry county, Alabama, at its June term, 1919, as applicable to the entire said county.

H. W. Owens,  
Judge of Probate, as Chairman.

PROOF OF NOTICE OF PUBLICATION.

State of Alabama, }  
Henry County. }

Personally appeared before me, H. W. Owens, judge of probate in and for said county, H. H. Golson, who being duly sworn, deposes and says that he is editor and publisher of The Abbeville Herald, a newspaper published in the town of Abbeville, in said county, which has a general circulation in said county, in which newspaper was published for four consecutive weeks the foregoing and attached law, on dates, to-wit: June 12th, 19th and 26th, also July 3rd, 1919.

H. H. Golson.  
Editor and Publisher.

Sworn and subscribed to before me, this July 9, 1919.

H. W. Owens,  
Judge of Probate.

H. 366. To amend an act entitled, "An act to prevent stock from running at large in beats 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 16, and 17 in Coosa county.

PUBLIC NOTICE.

To All Whom It May Concern:

You will take notice that at the July adjourned term of the Legislature of Alabama there will be introduced a bill to be entitled, "An act to amend an act to prevent stock from running at large in beats 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 16, and 17, in Coosa county," so as to make said amended act apply to the entire county of Coosa.

The State of Alabama, }  
Coosa County. }

Before me, a notary public in and for said State and county, personally appeared A. D. Bentley, publisher of the Chronicle, a newspaper published weekly in Coosa county, Alabama, and states that the attached notice was published four successive weeks, beginning with the issue of June 6, 1919, and ending with June 27, 1919.

A. D. Bentley,  
Publisher.

Sworn to and subscribed before me this the 5th day of July, 1919.

Henry A. Teel,  
Notary Public.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## HOUSE MESSAGE.

The House bills in the foregoing House message were several-ly read once and referred to appropriate standing committees, as follows:

H. Nos. 11, 412, 482, 500. To the Committee on Education.

H. Nos. 55, 367, 423, 466, 504. To the Committee on Municipalities and Municipal Organizations.

H. 436. To the Committee on Public Roads and Highways.

H. Nos. 477, 381, 456, 499. To the Committee on Finance and Taxation.

H. 483. To the Committee on Judiciary.

H. 458. To the Committee on Public Health.

H. Nos. 304, 325, 382, 384, 385, 402, 457, 467, 468, 469, 470, 507, 403, 366. To the Committee on Local Legislation.

H. Nos. 390, 486, 509. To the Committee on Revision of Laws.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following resolution:

By Mr. Tunstall:

H. J. R. 98. Resolved by the House, the Senate concurring, that when the two houses adjourn today, they reconvene on Thursday, July 31st, at 10 o'clock A. M.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## HOUSE MESSAGE.

On motion of Mr. Acker, H. J. R. 98, set out in the foregoing message from the House, was concurred in and adopted by the Senate.

## SPECIAL ORDER.

The Senate proceeded to consider the first special order on to-day's calendar, which was:

S. 14. To repeal sections 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 101, 103, 104, 105, and 106 of an act of the Legislature of Alabama, entitled an act to provide for the assessment, valuation and equalization of values of real and personal property for taxes, and for this purpose to create State board of equalization, prescribe the powers and duties of said board, to create a board of equalization of each county, and to prescribe the powers and duties of said

boards, to provide for the collection of taxes; the sale of property for taxes; the redemption from such sales; to further provide for the general revenues, abolish the State tax commission, and to transfer all the power and authority and jurisdiction and all proceedings pending for assessment and collection of taxes, and to repeal all laws in conflict with this act. Approved on the 14th day of September, 1915.

Mr. Brown offered the following amendment to said bill, to-wit:

**Amend by striking out the words:** "To go into effect Sept. 1, 1919, add in lieu thereof "to go into effect on and after the passage of this act."

Which was adopted.

Yeas, 17; Nays, 11.

**Yeas:**

**Messrs:**

Baker	Craft	Leith	Rogers (Sumter)
Brown	Espy	Morris	Smith (Coosa)
Carlton	Harper	Nance	Smith (Lawrence)
Cowan	Kelly	Rogers (Lauderdale)	Tally

—16

**Nays:**

**Messrs:**

Beale	Butler	Huddleston	McDowell
Bedsole	Ellis	Miller	West
Briscoe	Evins	Moore	

—11

Mr. Brown then moved that said bill and amendments be postponed without losing their place on the calendar until after the revenue bill comes to the Senate, which motion prevailed and said bill and amendments thereto were postponed until after the revenue bill comes over to the Senate.

#### BILLS ON THIRD READING.

The bill:

H. 493. To amend section six of an act entitled, "An act to provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty (30) cents on each one hundred (\$100) dollars worth of taxable property in such county; to authorize any school district in any county that may be levying special county taxes for school purposes of not less than thirty (30) cents on each one hundred dollars (\$100) worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100) worth of taxable property in such school district; and to authorize boards

of education to issue interest-bearing warrants to erect, repair and equip school buildings, and to otherwise improve school facilities;" approved February 13th, 1919.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs:

Acker	Carlton	Huddleston	Nance
Baker	Cowan	Kelly	Smith (Coosa)
Beale	Craft	Miller	Smith (Lawrence)
Bedsole	Ellis	Moore	Tally
Briscoe	Espy	Morris	West
Butler	Harper	McDowell	

—23

Nays:—None.

The bill:

S. 365. To divide Barbour county into six districts to be known as board of revenue districts, and to provide for the election of a member of the board of revenue of Barbour county from each district, by the qualified voters of each district, and also one member of the board of revenue from the county at large.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Acker	Carlton	Harper	Nance
Baker	Cowan	Huddleston	Rogers (Sumter)
Beale	Craft	Miller	Smith (Coosa)
Bedsole	Ellis	Moore	Smith (Lawrence)
Briscoe	Espy	Morris	Tally
Butler	Evins	McDowell	West

—24

Nays:—None.

The bill:

S. 218. To submit to the qualified electors of this State at a special election to be held at the call of the governor after ninety days from the final adjournment of this Legislature for their consideration of an amendment to the Constitution for the purpose of authorizing the State to establish and maintain a State highway system of public roads and bridges, to issue interest-bearing bonds therefor, to authorize the levy and collection of automobile or other motor-driven vehicle taxes by the State for said purposes and to provide for the establishment and maintenance of said State highway system, public roads and bridges according to such regulations as the Legislature may have prescribed or may hereafter prescribe.

Was taken up.

Mr. Rogers of Sumter, offered the following amendment to said bill, to-wit:

Amend subdivision A of section 1 of Article XX of proposed constitutional amendment authorizing twenty-five million (\$25,000,000) dollar bond issue for highways, so as to read as follows:  
Section 3, Article XX—Section 1.

A.

That for the establishment, construction, maintenance of a permanent, excellent and complete system of State highways, public roads and bridges in this State serviceable for three hundred and sixty-five days in the year, and to enable the State to secure the national appropriations for public highways, there shall be issued and sold by the State of Alabama interest bearing negotiable State bonds, not to exceed the sum of twenty-five million (\$25,000,000) dollars, that said bonds shall bear interest at the rate of not exceeding five per centum per annum, payable annually or semi-annually, shall mature serially or otherwise not less than three, or more than forty years from the date of their issuance, shall be made payable out of the State road and bridge fund, which fund is created for that purpose, shall be executed, sold and delivered on behalf of the State from time to time, shall be of denominations of ten dollars and up to one thousand dollars, and mature as may be determined, subject to the approval of the governor, by the highway commission who shall also be highway bond commission acting by majority vote with all proceedings of such commission together with the approval of the governor thereto, reduced to writing and made of record, and the record and registration of said bonds shall be duly deposited in the office of the State treasurer and kept by him; that the bonds and interest coupons shall be approved and signed by the governor and countersigned by the chairman of the highway commission and the State treasurer. Said bonds shall be exempt from State, county and municipal taxes.

Provided, however, that the fac simile signatures upon the interest coupons of said bonds may be lithographed in lieu of signing; that said bonds shall be the direct obligation of the State and for the payment thereof the full faith and credit of the State is hereby irrevocably pledged, that the proceeds derived from the sale of said bonds shall be deposited in the State treasury and kept in a separate fund and shall be exclusively used to defray the cost of constructing and maintaining said highways, public roads and bridges of the State.

Amend subdivision B of same article and section by adding at the end thereof the following:



"Subject to the approval of the governor first had and obtained."

Mr. Rogers of Sumter, then moved that said bill and the pending amendment, be postponed until the next legislative day and made a special, paramount and continuing order for that day, which motion prevailed, and said bill and amendment was postponed until the next legislative day and made a special, paramount and continuing order for that day.

The bill:

S. 295. To authorize any bank or trust company incorporated under the laws of the State of Alabama to become a member of a Federal reserve bank, and in such event to be subject to all the provisions of the act of Congress known as the Federal reserve act and amendments thereto; to provide and define the reserves to be kept by banks and trust companies incorporated under the laws of this State which are or may become such members of the Federal reserve system; to permit the authorities of this State which supervise and examine banks and trust companies organized under its laws to accept the examination and audits made pursuant to the Federal reserve act of such banks and trust companies as become members of the Federal reserve system, and for other purposes.

Was taken up.

The following amendment offered by the Standing Committee on Banking and Insurance, to-wit:

Amend the title of the bill by striking out the words: "and for other purposes" where the same appear at the end thereof and by substituting in lieu thereof the following: "and to furnish information to the authorities of the Federal reserve system as to such State banks."

Was adopted.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Huddleston	Rogers (Lauderdale)
Beale	Craft	Kelly	Rogers (Sumter)
Bedsole	Ellis	Miller	Smith (Coosa)
Briscoe	Espy	Moore	Smith (Lawrence)
Butler	Evins	Morris	Tally
Carlton	Harper	Nance	West

*Nays:*—None.

—24

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Miller	Rogers (Sumter)
Beale	Espy	Moore	Smith (Coosa)
Bedsole	Evins	McDowell	Smith (Lawrence)
Briscoe	Harper	Nance	Tally
Butler	Huddleston	Rogers (Lauderdale)	West
Carlton	Kelly		

—22

*Nays:*—None.

The bill:

S. 349. To enlarge and further define the duties and fix the compensation of humane officers in counties of this State having a population of not less than 80,000 nor more than 82,000, according to the Federal census of 1910.

Was read a third time at length and passed, and ordered sent to the House without engrossment.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs:

Acker	Butler	Huddleston	Rogers (Lauderdale)
Baker	Carlton	Kelly	Rogers (Sumter)
Beale	Ellis	Miller	Smith (Coosa)
Bedsole	Espy	Morris	Smith (Lawrence)
Briscoe	Evins	McDowell	Tally
Brown	Harper	Nance	West

—25

*Nays:*—None.

The bill:

S. 342. To vacate and to annul the dedication of that part of Fifth, Sixth and Seventh streets in the city of Anniston, State of Alabama, through, over, on or across and as projected through, over, on or across that certain tract of land situated and being in said city of Anniston and bounded on the north by Tenth street, on the east by the right of way of the main line of the Mobile division of the Southern Railway Company (formerly the East Tennessee, Virginia and Georgia Railway Company), on the south by Fourth street and the right of way of the Birmingham division of the Southern Railway Company (formerly Georgia Pacific Railway Company), and on the west by Glen Addie street and the right of way of the said Birmingham division of the Southern Railway Company.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs:

Acker	Butler	Harper	Nance
Baker	Carlton	Huddleston	Rogers (Sumter)
Beale	Carmichael	Kelly	Smith (Coosa)
Bedsole	Ellis	Miller	Smith (Lawrence)
Briscoe	Espy	Moore	West
Brown	Evins	McDowell	

—24

*Nays:*—None.

The bill:

S. 221. To make the clerks of the circuit courts in all counties of this State having a population of more than 32,900 and not more than 33,000, according to the Federal census of 1910, ex-officio clerks of the county courts; to prescribe their duties and fix their compensation and provide for the payment of the same.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs:

Acker	Butler	Harper	Nance
Baker	Carlton	Huddleston	Rogers (Lauderdale)
Beale	Cowan	Kelly	Rogers (Sumter)
Bedsole	Craft	Miller	Smith (Coosa)
Briscoe	Ellis	Moore	Smith (Lawrence)
Brown	Evins	Morris	West

—24

*Nays:*—None.

The bill:

S. 302. To authorize solvent banks to voluntarily liquidate and to provide the method.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Kelly	Rogers (Lauderdale)
Baker	Craft	Miller	Rogers (Sumter)
Beale	Ellis	Moore	Smith (Coosa)
Bedsole	Evins	Morris	Smith (Lawrence)
Briscoe	Harper	McDowell	Tally
Butler	Huddleston	Nance	West

—24

*Nays:*—None.

The bill:

S. 358. To amend sections 1 and 4 of an act, approved April 18, 1911, and entitled "An act to regulate the mining of coal in Alabama."

Was read a third time at length and passed.  
Yeas, 22; Nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Miller	Rogers (Lauderdale)
Baker	Craft	Moore	Rogers (Sumter)
Beale	Evins	Morris	Smith (Lawrence)
Bedsole	Harper	McDowell	Tally
Briscoe	Huddleston	Nance	West
Butler	Kelly		

—22

*Nays:*—None.

The bill:

S. 276. To provide for the appointment of an assistant solicitor for each judicial circuit in the State composed of one county with three circuit judges, to fix the term of said office, to prescribe the duties and authority of said assistant solicitor, and to fix his compensation.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs:

Acker	Butler	Huddleston	Rogers (Sumter)
Baker	Cowan	Kelly	Smith (Coosa)
Beale	Craft	Moore	Smith (Lawrence)
Bedsole	Ellis	Morris	Tally
Briscoe	Evins	McDowell	West
Brown	Harper	Rogers (Lauderdale)	

—23

*Nays:*—None.

The bill:

S. 366. To regulate the committing of persons to institutions for delinquent children and to institutions designed for the reformation and correction of fallen girls.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs:

Acker	Butler	Harper	Rogers (Lauderdale)
Baker	Carlton	Kelly	Rogers (Sumter)
Beale	Cowan	Leith	Smith (Coosa)
Bedsole	Craft	Moore	Smith (Lawrence)
Briscoe	Ellis	Morris	Tally
Brown	Espy	McDowell	West

—24

*Nays:*—None.

The bill:

S. 275. To provide that the clerk of the circuit court of Hale county, Alabama, shall be ex-officio clerk of the county court of said county, and to prescribe his duties as such, and to fix his compensation.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs:

Acker	Butler	Harper	Rogers (Sumter)
Baker	Cowan	Kelly	Smith (Coosa)
Beale	Craft	Miller	Smith (Lawrence)
Bedsole	Ellis	Moore	Tally
Briscoe	Espy	McDowell	West
Brown	Evins	Rogers (Lauderdale)	

—23

Nays:—None.

The bill:

S. 327. To dissolve the municipal corporation of the city or town of Fruithurst, Cleburne county, Alabama.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs:

Acker	Butler	Kelly	Rogers (Lauderdale)
Baker	Carlton	Leith	Smith (Coosa)
Beale	Cowan	Miller	Smith (Lawrence)
Bedsole	Craft	Moore	Tally
Briscoe	Espy	Morris	West
Brown	Harper	McDowell	

—23

Nays:—None.

The bill:

S. 357. To designate certain described roads as State trunk roads for Alabama.

Was taken up.

Mr. Briscoe offered the following amendment to said bill:

Amend caption by striking out word Girard, Ala., and inserting the words Phoenix City, Alabama.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Acker	Bedsole	Butler	Craft
Baker	Briscoe	Carlton	Ellis
Beale	Brown	Cowan	Espy

Harper	Miller	Rogers (Lauderdale)	Smith (Lawrence)
Huddleston	Morris	Rogers (Sumter)	Tally
Kelly	McDowell	Smith (Coosa)	West
Leith	Nance		

—26

*Nays*:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 21; Nays, 0.

*Yeas*:

Messrs:

Acker	Butler	Harper	McDowell
Baker	Carlton	Huddleston	Nance
Beale	Craft	Kelly	Rogers (Lauderdale)
Bedsole	Ellis	Miller	Smith (Coosa)
Briscoe	Espy	Morris	West
Brown			

—21

*Nays*:—None.

The bill:

S. 288. To amend an act entitled an act to designate certain public roads of the State of Alabama, as State trunk roads, and to provide the manner in which such roads shall be located, improved and maintained.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 20; Nays, 0.

*Yeas*:

Messrs:

Baker	Cowan	Leith	Rogers (Sumter)
Beale	Craft	Miller	Smith (Coosa)
Bedsole	Ellis	Morris	Smith (Lawrence)
Brown	Harper	Nance	Tally
Butler	Kelly	Rogers (Lauderdale)	West

—20

*Nays*:—None.

The bill:

S. 343. To fix the compensation of the county and deputy solicitors serving in counties having a population of not less than 37,000 nor more than 37,500 according to the last preceding Federal census.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs:

Acker	Butler	Kelly	Nance
Baker	Carlton	Leith	Rogers (Sumter)
Beale	Craft	Miller	Smith (Coosa)
Bedsole	Ellis	Moore	Tally
Briscoe	Harper	Morris	West
Brown			

—21

*Nays:*—None.

The bill:

S. 147. To regulate the enjoyment of existing franchises of corporations by purchasers of its property and their successors.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs:

Acker	Butler	Huddleston	Rogers (Sumter)
Baker	Carlton	Kelly	Smith (Coosa)
Beale	Cowan	Leith	Smith (Lawrence)
Bedsole	Craft	Miller	Tally
Briscoe	Ellis	Morris	West
Brown	Harper	Nance	

—23

*Nays:*—None.

The bill:

S. 359. To amend section one of an act entitled "An act to create a county highway commission for Walker county, Alabama, and to define the powers and duties thereof," approved February 15th, 1919.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs:

Acker	Carlton	Huddleston	Rogers (Lauderdale)
Baker	Cowan	Kelly	Rogers (Sumter)
Beale	Craft	Leith	Smith (Lawrence)
Bedsole	Ellis	Miller	Tally
Brown	Evins	Morris	West
Butler	Harper	Nance	

—23

*Nays:*—None.

The bill:

S. 346. To authorize sheriffs of counties having a population of not less than 30,815 nor more than 30,915, according to the

Federal census of 1910, to employ jailers, and to prescribe their duties and fix their salaries.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs:

Acker	Butler	Huddleston	Rogers (Lauderdale)
Baker	Carlton	Kelly	Rogers (Sumter)
Beale	Cowan	Leith	Smith (Lawrence)
Bedsole	Craft	Miller	Tally
Briscoe	Ellis	Morris	West
Brown	Harper	Nance	

—22

*Nays:*—None.

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills beg leave to report that said committee, in session, have compared the following enrolled bill with the engrossed and original bill, respectively, and find same correctly enrolled, to-wit:

S. 168. To amend sections 8 and 10 of an act entitled "An act to regulate the fine and forfeiture of Cullman county, and to provide for the registration and payment of claims against said fund," approved September 25th, 1915.

Chas. McDowell, Jr.,  
E. C. T.

#### SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following bill:

S. 168. To amend sections 8 and 10 of an act entitled "An act to regulate the fine and forfeiture of Cullman county, and to provide for the registration and payment of claims against said fund," approved September 25th, 1915.

#### ADJOURNMENT.

On motion of Mr. Acker, and pursuant to resolution heretofore adopted, the Senate at 5:20 P. M., adjourned until Thursday, July 31st, 1919, at 10 o'clock A. M.



## THIRTY-FIRST DAY.

Thursday, July 31st, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

## PRAYER.

By Rev. Dr. Partridge, of the House.

## ROLL CALL.

## Present:

Mr. President and

Messrs:

Acker	Carmichael	Kelly	Prestwood
Baker	Cowan	Leith	Rogers (Lauderdale)
Beale	Craft	Miller	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Evins	Morris	Smith (Coosa)
Briscoe	Gunter	McDowell	Smith (Lawrence)
Butler	Harper	Nance	Tally
Carlton	Huddleston	Phillips	West

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## JOURNAL.

On motion of Mr. West, the reading of the Journal of yesterday was dispensed with and the same approved by the Senate.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Acker:

S. 407. To fix the time when a special school tax levied by any county or school district shall become collectible, and to provide for the levy and collection thereof.

Education.

By Mr. Sims:

S. 408. To amend section 13 of an act entitled an act to provide for the better construction, repairing, working, and maintaining of public roads and bridges in Talladega county, Alabama, approved March 15, 1911, and to amend said section 13 of said act as amended by act of the Legislature approved July 17, 1915, so as to make the same read as follows to wit:

Public Roads and Highways.

(With notice and proof attached and herewith exhibited as follows:)

# PUBLIC NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama for the passage of an act to amend section 13 of an act entitled, An act to provide for the better construction, repairing, working and maintaining of public roads and bridges in Talladega county, Alabama, approved March 15, 1911, and to amend said section 13 of said act as amended by act of the Legislature approved July 17, 1915, so as to make the same read as follows, to-wit:

Be it enacted by the Legislature of Alabama: That section 13 of an act to provide for the better construction, repairing, working and maintenance of public roads and bridges in Talladega county, Alabama, approved March 15, 1911, and amended by act of the Legislature approved July 17, 1915, be and the same is hereby amended so as to make the same read as follows, to-wit:

Section 13. Be it enacted further, That all male inhabitants of Talladega county between the ages of 18 and 45, and not exempt from road duty under the general laws of the State (except the inhabitants of cities and towns having an actual municipal organization) shall be required to work upon the public roads of said county for six days in each calendar year. Provided, that said 6 days of work may be commuted by the payment to the superintendent or to the judge of probate on or before the first day of March of each year of the sum of \$5.00. Provided, that if at any time any person so liable to perform road duty is summoned or warned to work the public roads, he must then work the number of days for which he is summoned, unless he then pay to said superintendent or to the judge of probate, the sum for which he may then commute said work. Provided, further, that if, in response to being warned or summoned therefor, any person so liable to do road duty shall do any number of days' work, such person may thereafter before being warned, commute the balance or remaining portion of said six day's work by paying the amount above specified less 75 cents per day for the time so worked, up to March 1st, of any one year, and after said March 1st, no person can commute said work. If the above specified sum is not so paid on or before the date hereinbefore fixed, the road hand either in person, or by an able-bodied substitute, shall perform the six days labor. To the end that the road hands shall have the opportunity to pay such commutation money, it shall be the duty of the superintendent to attend at a designated place in each precinct on a day prior to the first day of March in each year, of which time and place he shall give notice in at least two public places in each precinct. No overseer shall be authorized at any time to receive commutation money in lieu of road service.

The State of Alabama, }  
Talladega County. }

Personally appeared before me, E. A. Hammett, judge of probate, in and for said county and State, Mark L. Tucker, who being duly sworn according to law, deposes and says that he is the publisher of the Talladega reporter, a newspaper published in Talladega county, Alabama, and that the publication of a certain notice, a true copy of which is hereto attached was made in said newspaper, once a week for four consecutive weeks in the issues thereof dated as follows, to-wit: January 17, 1919; January 24, 1919; January 31, 1919, and February 7, 1919.

Mark L. Tucker.

Subscribed and sworn to before me this the 26th day of July, 1919.

E. A. Hammett,  
Judge of Probate.

By Mr. Briscoe:

S. 409. To authorize the admissibility of parole evidence in the trial of causes involving violations of the stock law.

Revision of Laws.

By Mr. Leith:

S. 410. To propose and submit to the qualified electors of the State of Alabama at the next general election to be held in and for said State a proposed amendment to the Constitution whereby the Legislature may make laws for the purpose of levying or collecting what is known as an inheritance tax on real and personal money, public and private securities of every kind in this State passing from any person who may die seized and possessed thereof, or of any part of such estate of any securities, of interest therein, transferred by the intestate laws of this State, or by will, deed, grant, bargain, sale or gift made or intended to take effect in possession after death of the grantor, deviser or donor and to exempt from such tax fifty thousand dollars.

Constitution and Constitutional Revision and Amendments.

(The above bill was read at length as required by the Constitution.)

By Mr. West:

S. 411. To establish a jury commission in all counties of this State which have 200,000 or more population, according to the last Federal census, and in all counties that have 200,000 or more population according to any Federal census which may be hereafter taken; to prescribe the qualifications of jurors and regulate and provide for the selecting, drawing and summoning of jurors; to prescribe their qualifications and provide for the appointment and compensation of clerks for such jury commissions; to provide a method by which the names of citizens subject to jury duty may be obtained; and to require the publication of the jury roll; to regulate the empanelling of grand and petit juries in all courts in such counties and to prescribe penalties for the violation of this act.

Judiciary.

By Mr. Gunter:

S. 412. To amend section 4 of "an act to fix the compensation of circuit judges, circuit solicitors, and assistant solicitors in all circuits of the State of Alabama which circuits are composed of only one county and having two or more judges, or which circuits may hereafter have two or more judges, and to

provide that a portion of such salaries be paid out of the county treasury of the counties constituting the respective circuits."

Finance and Taxation.

By Mr. McDowell:

S. 413. Regulating the sale and exchange of gasoline, benzine, naphtha, and other liquid motor fuels, and providing for the tagging and inspection of such product.

Finance and Taxation.

Also:

S. 414. To provide for the reading of the Holy Bible in the schools in Alabama that are supported in part or in whole by public funds and to provide for the enforcement of the same.

Education.

Also:

S. 415. To provide for and regulate the obligation, licensing, removal and suspension of those now or hereafter permitted to practice law in the State of Alabama, and to provide penalties for violations of this act.

Judiciary.

By Mr. Nance:

S. 416. To designate a certain public road of Alabama as a State trunk road, and to provide the manner in which said road shall be improved and maintained.

Public Roads and Highways.

Also:

S. 417. To designate a certain public road of Alabama as a State trunk road.

Public Roads and Highways.

By Mr. Brown:

S. 418. To amend an act approved September 22, 1915, entitled, "An act to amend sections 541, 543, 544 and 545 of the Code of Alabama."

Public Health.

By Mr. Talley (by request):

S. 419. To further regulate the rendition of final orders, judgments and decrees in the civil courts of record of this State.

Judiciary.

Also:

S. 420. (By request.) To exempt from service on the public roads and streets of any incorporated city or town all persons who served the United States in the Army, Navy, or Marine service in the war with Germany.

Public Roads and Highways.

By Mr. Carmichael:

S. 421. To amend an act entitled an act to amend section 3022 of the Code of Alabama, approved September 25, 1915.

Judiciary.

By Mr. Gunter:

S. 422. To create and establish the office of general guardian ad litem in all counties of over eighty-two thousand and less than one hundred thousand of population according to the last preceding Federal census or according to any subsequent Federal census; to prescribe his duties and qualifications; to provide for his appointment and to fix his compensation and term of office; to provide for the appointment of a guardian ad litem in cases where the general guardian ad litem is disqualified and where the interests of the infants interested in a case are antagonistic or conflicting; and to provide penalty for wrongful appointment of such guardian ad litem.

Judiciary.

By Mr. Craft:

S. 423. To amend an act entitled "An act to create the office of assistant clerk of the inferior criminal court of Mobile county, prescribe his or her duties, to fix his or her salary and provide for the method of selection for said office," approved February 15th, 1919.

Local Legislation.

(With notice and proof attached and herewith exhibited as follows:)

State of Alabama, }  
Mobile County. }

Personally appeared before me Stephen O. Garlin, a notary public in and for said State and county, R. G. Rapier, who, on oath, deposes and says that he is secretary and treasurer of the Mobile Register, a newspaper published in the city and county of Mobile, State of Alabama, and that the annexed publication, to-wit:

#### LEGAL NOTICE.

Notice is hereby given that application will be made to the present Legislature of Alabama for the passage of the following act, to-wit:

An act to amend an act entitled an act "To create the office of assistant clerk of the inferior criminal court of Mobile county, prescribe his or her duties, fix his or her salary and provide for the method of selection for said office," approved February 15th, 1919.

Be it enacted by the Legislature of Alabama: That an act entitled an act "To create the office of assistant clerk of the inferior criminal court of Mobile county, prescribe his or her duties, fix his or her salary and provide for the method of selection for said office," approved February 15th, 1919, be amended so as to read as follows:

Section 1. That there is hereby created the office of assistant clerk of the inferior criminal court of Mobile county.

Section 2. That immediately after the passage of this act there shall be appointed by the clerk of the inferior criminal court of Mobile county by and with the consent of the judge of said court, expressed in writing and entered upon the minutes of said court, an assistant clerk, who shall hold office at the will of the clerk of the court, and who shall perform such duties as may be prescribed by the judge or clerk of said court. Said assistant clerk shall receive a salary of fifteen hundred dollars per annum, payable monthly out of the county treasury of Mobile county and said assistant clerk may be either a male or a female.

Section 3. That all laws and parts of laws in conflict with the provisions of this act shall be and are hereby repealed.

Was duly published in said newspaper once a week for four successive weeks beginning on July 3rd, 1919.

R. G. Rapier.

Subscribed and sworn to before me this 24th day of July, 1919.

Stephen O. Garlin,

Notary Public in and for Mobile County, State of Alabama.

My commission expires May 18th, 1921.

By Mr. McDowell:

S. 424. To permit bonds to be given for property seized under the prohibition act, pending appeals to the Supreme Court. Judiciary.

By Mr. Baker:

S. 425. To prohibit the levying or collecting of any license or privilege tax or fee on any wagon used exclusively in connection with the cultivation of farms, or the marketing of the products of the farm or forest occupied as owner or tenant by the owner of such wagon; in counties of not less than 30,815 nor more than 30,915 population, according to the Federal census of 1910.

Finance and Taxation.

By Mr. Gunter:

S. 426. To fix the compensation of the secretary of the Court of Appeals of Alabama at two thousand dollars per annum.

Finance and Taxation.

By Mr. West:

S. 427. To provide for the number and election of members of the board of education in all cities in the State of Alabama having a population of 100,000, or more, according to any past or future Federal census and to provide for the filling of any vacancy on said board.

Education.

Also:

S. 428. To amend an act entitled, "To provide for the election of a solicitor in each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy

solicitors and assistant solicitors, prescribe their duties, and authority and fix their compensation," by amending said act by adding thereto an additional section.

Judiciary.

Also:

S. 429. To make an appropriation for the support and maintenance of the Alabama Tuberculosis Commission, created and incorporated under and by virtue of a certain act of the Legislature of Alabama, and approved September 22, 1915, entitled, An act to prevent the spread of tuberculosis by the creation of a tuberculosis commission, to provide for its organization and work, and to authorize the erection and maintenance of local hospitals under its supervision.

Finance and Taxation.

Also:

S. 430. To amend section 1627 of the Code of 1907.

Public Health.

#### REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cobbs:

H. 483. To provide for the appointment of an assistant solicitor for each judicial circuit in the State composed of one county with three circuit judges, to fix the term of said office, to prescribe the duties and authority of said assistant solicitor, and to fix his compensation.

Mr. Rogers of Sumter, chairman of the Standing Committee on Commerce and Common Carriers, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit: By Mr. West (with amendment):

S. 377. To authorize cities and towns of over five thousand population according to the last Federal census or which shall have such population according to any Federal census taken thereafter, and situated in counties which have or which shall have annually taxable property in such counties of one hundred millions of dollars or more according to the assessments by such counties for the year A. D. 1918, or according to any annual assessment hereafter made, to acquire, construct, purchase, main-

tain, own, lease, use, control and operate railroads, by any kind of motive power and terminal facilities and other structures appurtenant thereto, in aid of commerce and the transportation of passengers within, across, in or through the territory of such counties in which such cities and towns are situated or adjacent counties, and to issue bonds, grant money and property to carry into execution these powers.

By Mr. Rogers of Lauderdale :

S. J. R. 77. Requesting our senators and representatives in Congress to support legislation providing for the early return of the transportation systems to their owners.

By Mr. West (with amendment) :

S. 375. To provide for acquirement, construction, ownership, lease, maintenance, use, control, and operation by counties of Alabama which have or which shall have taxable property in such counties of one hundred millions of dollars annually, or more, according to the assessments by such counties for the year of 1918 A. D., or according to the annual assessments to be hereafter made, of highways, of railroads, by any kind of motive power; freight stations; passenger stations; wharves; piers; docks; ware houses; grain elevators; storage tanks; team trucks; and all other facilities and structures appurtenant thereto, by the issue of bonds, not exceeding one per cent, in addition to the limit of the county indebtedness of such taxable property in such counties the holding of elections to decide whether such counties shall issue such bonds; to authorize the county internal improvement commission, a county agency, to sell said bonds and to account to the board of revenue therefor of the county; to levy and collect a special tax not exceeding twenty cents on each one hundred dollars of taxable property, to be in addition to the maximum rate prescribed; exemption from State, county and municipal taxation of such bonds; to become effective upon ratification of an amendment to the Constitution of Alabama; and same power to new counties formed from such counties.

By Mr. West (with amendment) :

S. 376 To authorize and empower all counties of Alabama which have or shall have taxable property in such counties of one hundred million dollars annually, or more, according to any annual assessment to be made thereafter, to acquire, construct, purchase, own, lease, maintain, use, control and operate highways, railroads, and terminals and all facilities and structures appurtenant thereto; for the performance of the obligation of warehouseman and common carrier in aid of commerce; to establish reasonable charges for such service; within its own territory or across, on or through adjacent counties, to establish a com-



mission as a county agency for the performance of this authority and power; to purchase and condemn private property for the above purpose; to dispose of net profits from the operation of the facilities herein described; that private capital shall not be prevented from engaging in the same enterprise; that the power and authority herein described shall become effective immediately upon the ratification of an amendment to the Constitution of Alabama.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Tunstall:

H. 550. To amend an act entitled, "An act to regulate the charging of fees and furnishing information within the several departments of the State, and to provide for the covering into the State treasury of such fees," approved September 29th, 1915.

Mr. Kelly, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Brown (with amendment):

S. 368. To provide for the establishment, maintenance, repair and regulation of public highways, including bridges and ferries, in St. Clair county.

By Mr. Sims:

S. 229. To amend section one of an act entitled "An act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved, and maintained," approved September 10th, 1915.

By Mr. Tally (with substitute):

S. 307. To designate a certain public road of the State of Alabama as a State trunk road and to provide the manner in which such road shall be located, improved and maintained and to make its establishment imperative.

By Mr. Craft:

S. 403. To amend section 1 of "An act to provide for the more efficient working of the public roads of Mobile county, and certain streets and public thoroughfares in the city of Mobile; provide for the control, working, building, maintenance and improve-

ment of the same by the board of revenue and road commissioners of Mobile county; to prescribe the duties and fix the authority of said board; to provide for the levy and collection of a road tax, and the method of disbursing moneys necessary to carry out the provisions of this act and provide penalties for violation of its provisions," which act was approved August 2nd, 1907.

By Mr. Smith of Coosa (with substitute):

S. 154. To amend act number 411, approved September 10th, 1915, entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained.

By Mr. Bedsole:

S. 390. To designate a certain public road of the State of Alabama as a State trunk road and to provide the manner in which such road shall be located, improved and maintained.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the adverse calendar, to-wit:

By Mr. Carnley:

H. 287: To establish a board of revenue for Coffee county, Alabama, to prescribe its jurisdiction, powers, and duties, to fix the compensation of its members, to fix their terms of office, thereby abolishing the court of county commissioners, the jury commission of said county, and the equalization board of said county.

#### REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

S. 147. To regulate the enjoyment of existing franchises of corporations by purchasers of its property and their successors.

S. 221. To make clerks of the circuit courts in all counties of this State having a population of more than 32,900 and not more than 33,000, according to the Federal census of 1910, ex-officio clerks of the county courts; to prescribe their duties and fix their compensation and provide for the payment of the same.

S. 302. To authorize solvent banks to voluntarily liquidate and to provide the method.

S. 327. To dissolve the municipal corporation of the city or town of Fruithurst, Cleburne county, Alabama.

S. 342. To vacate and to annul the dedication of that part of Fifth, Sixth and Seventh streets in the city of Anniston, State of Alabama, through, over, on or across, and as projected through, over, on or across that certain tract of land situated and being in said city of Anniston and bounded on the north by Tenth street, on the east by the right of way of the main line of the Mobile division of the Southern Railway Company (formerly the East Tennessee, Virginia and Georgia Railway Company), on the south by Fourth street and the right of way of the Birmingham division of the Southern Railway Company (formerly Georgia Pacific Railway Company) and on the west by Glen Addie street and the right of way of the said Birmingham division of the Southern Railway Company.

S. 343. To fix the compensation of the county and deputy solicitors serving in counties having a population of not less than 37,000 nor more than 37,500, according to the last preceding Federal census.

S. 346. To authorize sheriffs of counties having a population of not less than 30,815 nor more than 30,915, according to the Federal census of 1910, to employ jailers, and to prescribe their duties and fix their salaries.

S. 357. To designate certain described roads as State trunk roads for Alabama.

S. 358. To amend sections 1 and 4 of an act, approved April 18, 1911, and entitled, "An act to regulate the mining of coal in Alabama."

S. 359. To amend section one of an act entitled, "An act to create a county highway commission for Walker county, Alabama, and to define the powers and duties thereof," approved February 15th, 1919.

S. 365. To divide Barbour county into six districts to be known as board of revenue districts, and to provide for the election of a member of the board of revenue of Barbour county from each district, by the qualified voters of each district, and also one member of the board of revenue from the county at large.

R. B. Evins,  
Chairman.

#### LEAVES OF ABSENCE.

On motion of Mr. Briscoe, leave of absence was granted Mr. Butler for today.

On motion of Mr. Bedsole, leave of absence was granted Mr. Espy for today.

## REPORT FROM RULES COMMITTEE.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following joint resolution and ordered the same returned to the Senate with a favorable report, to-wit:

H. J. R. 95. Relative to the creation of a joint committee to examine into the status and affairs, needs and requirements, present utility and capacity for future usefulness of the Mercy Home Industrial School and State Training School for Girls.

And upon motion of Mr. Carmichael, the rules were suspended and said resolution unanimously adopted by the Senate.

Also favorably:

H. J. R. 88. Accepting the invitation of the Rooster Road Committee to attend a public celebration in the town of Demopolis on August 14th, and setting aside said date as a non-legislative day.

And upon motion of Mr. Carmichael, said report was concurred in and adopted, and said resolution, under a suspension of the rules, was unanimously adopted by the Senate.

## REPORT OF SPECIAL COMMITTEE TO VISIT SOLDIERS HOME.

*To the Legislature of Alabama:*

The undersigned committee, appointed to make a visit of inspection to the Confederate Soldiers' Home at Mountain Creek, having executed the duties required, beg leave to submit their report.

On July 24th, a date on which your body was not in session, the members of the committee left Montgomery to make the inspection and visitation required by the resolution of appointment. On reaching Mountain Creek, the committee proceeded at once to the grounds of the Home, about one-half mile distant from the railway station. We were accompanied by Dr. J. D. Eiland, who is now and for some time has occupied the position of commandant, in charge of the entire business of the home.

A personal inspection and a careful examination of the records show ninety-eight inmates or Confederate soldiers and their widows, distributed as follows: Eighty-three men and fifteen women. Of this number twenty-three were confined to the hospital, of whom fourteen have their meals served at their beds. During the current fiscal year thirty new inmates have been admitted. There have been nineteen deaths during the year.

The committee finds the home quite as well equipped as could be expected with the small amount of money made available for that purpose, the original property is carefully kept up, and every precaution taken against fire or the natural forces of destruction.

The committee finds the inmates reasonably well satisfied with their food and general treatment.

On going over the grounds, we found a fine Jersey herd of cows. They were confined in a small pasture, which seemed to us wholly inadequate. It is our belief that by proper enlargement so as to include more of the grounds that are the property of the home, the herd would be greatly improved, and it would require much less expenditure in the matter of feed.

After going over the situation carefully, we have decided to recommend a small appropriation of four hundred dollars to provide for the additional fencing, and for the repair of other fencing about the home. It is proper to say that the State owns about forty acres of land adjacent to the lands now enclosed, which would be brought into use by the adoption of our recommendation.

The visit of the committee was accompanied by many interesting but sad reflections. Among the men confined at the home were representatives of almost every branch of the service, both army and navy. There were also survivors of the gallant Army of North Virginia, as well as of the Army of the Tennessee. There were men who had served their State and the Southland through four long years, and who are now in their last days the subject of public relief. This occasioned many reflections. Among others we were proud that Alabama could provide a comfortable place for those who, with the passing years, had lost relatives and friends, and because of age and the absence of resources, found themselves a charge on the charity of the public. At the same time we could not but reflect on the loneliness and sadness of the lives of these men and of their companions, who are permitted under the law to remain with them, shut off as they are from all of the associations of early life and now closing their days in loneliness.

It is perhaps inevitable that in the progress of events there should be many who fail in the race of life, or who from various causes do not succeed, and who at the very time when they ought to have the most of comfort, should be deprived of family, home ties and even the ordinary means of subsistence. It is in such cases that the State comes to relieve the distresses which so obtain, and we are happy to here refer to Captain J. M. Falkner, of beloved memory, himself a surviving Confederate soldier, who made possible this noble benefaction, which now has the support of the State. The hope is mere indulged that the last days of those whom we found at the home may be filled with Christian resignation, shared with the thought that they all belonged to that noble army of patriots who battled for states' rights and the right of self-determination on the part of individuals and localities. The fame of the Confederate soldier is secure. These men, with their comrades who yet live and those who have gone before have contributed to a record than which there is no more glorious in all the annals of time.

In conclusion the committee desires to express its appreciation of the cordial co-operation of Dr. J. D. Eiland, the commandant and physician at the home, who did everything possible to afford us a full opportunity for visitation and inspection. We believe that Dr. Eiland is the right man in the right place.

All of which is respectfully submitted.

J. H. Lawson, Chairman.  
J. M. Parker.  
J. A. Nance.  
S. C. Cowan.  
J. A. Albright.

The above report was read and, on motion of Mr. Rogers of Sumter, same was accepted and ordered spread upon the Journal of the Senate.

## REPORT OF CONFERENCE COMMITTEE ON SENATE BILL NO. 96.

Mr. President :

Your Committee on Conference on Senate bill 96 recommend that the Senate concur in the following amendments to said bill, which said amendments are in words and figures as follows :

(1) Provided that this act shall not apply in counties of more than 200,000 population. Provided further, that the provisions of this act shall not apply to counties having a population of more than 82,000 and less than 100,000, according to the last Federal census.

As to amendment proposed by Mr. Matthews of Clarke, which amendment is in words as follows :

(Provided that the commissioners court must apply the tax to the maintenance of the road on which the payer is apportioned.) We recommend and concur in the following amendment as a substitute therefor :

(Provided that the commissioners court, boards of revenue, or like governing bodies shall apply the per capita tax collected in lieu of labor, in the road precinct and on the road where the payer is apportioned or resides.)

(Provided further, that when the State takes over any road in any county for improvement and maintenance, the provisions of this section shall not apply.

Riley Kelly, Chairman,

John A. Rogers,

Committee on Part of the Senate.

W. J. Dansby,

D. C. Matthews,

George Ross,

Committee on Part of the House.

## CONFERENCE REPORT.

On motion of Mr. Kelly, the Senate concurred in and adopted the foregoing report of the Committee of Conference on the disagreement of the two houses on the House amendment to the bill :

S. 96. To amend section twelve of an act to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same, and to fix penalties for the violation of the rules, regulations and

laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties.

Yeas, 23; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Miller	Rogers (Sumter)
Baker	Craft	Moore	Sims
Bedsole	Ellis	Morris	Smith (Coosa)
Brown	Gunter	McDowell	Smith (Lawrence)
Carlton	Harper	Nance	West
Carmichael	Leith	Rogers (Lauderdale)	

—23

*Nays:*—None.

Which was a majority of the whole number elected to the Senate.

#### BILL TAKEN FROM ADVERSE CALENDAR.

Pursuant to written notice heretofore given, Mr. Briscoe moved to take from the adverse calendar, have the same read a second time and placed on the regular calendar, the bill:

H. 182. To prohibit the keeping, exhibiting or operating of pool or billiard tables, on which the public can play, outside incorporated cities and towns having a police force.

Which motion prevailed, and said bill was taken from the adverse calendar, read a second time and placed on the regular calendar for a third reading on tomorrow.

#### MESSAGE FROM THE GOVERNOR.

July 30, 1919.

*To the Gentlemen of the Senate:*

I return herewith Senate bill No. 168 for amendment by adding thereto, as the last paragraph of the bill, the following paragraph which is an exact copy of the last paragraph of the bill of which notice and proof was given, and which seems to have been omitted by oversight and not by amendment, and which is as follows, namely:

"And it shall be the duty of the county treasurer to pay the same out of the general fund of said county."

Without this amendment there might be such a serious departure from the substance of the published notice of the bill as to render it obnoxious to Section 106 of the Constitution.

Respectfully,  
Thos. E. Kilby,  
Governor of Alabama.

#### GOVERNOR'S MESSAGE.

On motion of Mr. Sims, the Senate concurred in and adopted the amendment proposed by His Excellency, the governor, to the bill:

S. 168. To amend sections 8 and 10 of an act entitled "An act to regulate the fine and forfeiture fund of Cullman county, and to provide for the registration and payment of claims against said fund," approved September 25th, 1915.

Which said proposed amendment is set out in the foregoing message from the governor.

Yeas, 24; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Huddleston	Rogers (Lauderdale)
Baker	Craft	Kelly	Rogers (Sumter)
Beale	Ellis	Miller	Sims
Bedsole	Evins	Morris	Smith (Lawrence)
Carlton	Gunter	McDowell	Tally
Carmichael	Harper	Nance	West

—24

*Nays:*—None.

Which was a majority of the whole number elected to the Senate.

#### BILLS TAKEN FROM CALENDAR AND RECOMMITTED.

On motion of Mr. McDowell, the bill:

S. 257. To permit defendants in misdemeanor cases to waive trial before the court wherein the proceedings are pending, and to submit the investigation of the case to the grand jury at the next session.

Was taken from today's calendar and recommitted to the Standing Committee on Judiciary.

On motion of Mr. Sims, the bill:

S. 227. To repeal an act entitled, "An act to amend section 4648 of the Code of Alabama of 1907," approved August 5th, 1915.

Was taken from today's calendar and recommitted to the Standing Committee on Judiciary.

#### SPECIAL ORDER.

The Senate proceeded to consider the special order carried over from the thirtieth legislative day, which was:

S. 170. Authorizing and empowering municipalities in the State of Alabama to own, construct, lease, and operate electric street railways, interurban electric railways, and electric lighting and power plants, and hydro-electric power plants, and authorizing municipalities in this State to co-operate and combine and make contracts with each other and with municipalities in other states in the ownership, construction, leasing and opera-



tion of electric street railways, electric interurban railways and electric lighting and power plants and hydro-electric power plants; authorizing municipalities to purchase, acquire or lease existing interurban railways, and street railway systems; authorizing municipalities to mortgage electric street railways and interurban railways and power plants and to pledge the revenues derived therefrom, and to issue bonds, secured by such mortgages and pledges; providing for a system of allotting and prorating the cost of electric interurban railways; providing for the election of commissioners by municipal governing bodies to represent such municipalities in the ownership, construction, leasing and management of interurban railways; providing that such commissioners shall keep a public record of their proceedings and publish the same, and providing for the exercise of the right of eminent domain by municipalities or by commissioners representing such municipalities.

Mr. Craft offered the following substitute for said bill, to-wit:

Substitute by Mr. Craft for Sénate bill No. 170:

#### A BILL

To be entitled an act authorizing and empowering any county in this State in which, or along the coast of which the tides ebb and flow, and any cities or towns, or other municipalities in any such counties, to own, construct, lease and operate electric street railways, interurban electric railways and electric lighting and power plants and hydro-electric power plants, and authorizing such counties and municipalities in this State to co-operate and combine and make contracts with each other and with municipalities in other States in the ownership, construction, leasing and operation of electric street railways, electric interurban railways and electric lighting and power plants and hydro-electric power plants; authorizing such counties and municipalities to acquire or lease existing interurban railways and street railway systems; authorizing such counties and municipalities to mortgage electric street railways and interurban railways and power plants and to pledge the revenues derived therefrom and to issue bonds, secured by such mortgages and pledges, providing for a system of allotting and prorating the cost of electric interurban railways; providing for the election of commissioners by such counties and municipalities to represent such counties or municipalities in the ownership, construction, leasing and management of interurban railways; providing that such com-

missioners shall keep a public record of their proceedings and publish the same, and providing for the exercise of the right of eminent domain by counties and municipalities or by commissioners representing them; and to provide for elections in counties and municipalities to decide whether they wish to adopt the privileges herein authorized.

Be it enacted by the Legislature of Alabama:

1. That any county in this State in which, or along the coast of which the tides ebb and flow, and any cities or towns, or other municipalities in any such counties are hereby authorized and empowered to town, construct, acquire, lease and operate electric street railways and interurban electric railways and electric lighting and power plants, and hydro-electric power plants, and to co-operate, combine and make contracts with each other and with municipalities in other states in the ownership, construction, acquirement, leasing, operation and maintenance of electric interurban railways between points in this State, or between points in this State and other states.

2. That counties and municipalities that take advantage of the authority granted in this act are authorized and empowered to mortgage street railways, interurban railways, electric lighting and power plants and all other property and equipment used by such railways, and to pledge the revenues derived therefrom, and to issue bonds, secured by mortgage on such street railways, interurban railways and electric power plants and hydro-electric power plants. The bonds first issued to begin the construction, lease or operation of such electric railways and power plants may be issued by any county or the municipality taking advantage of the authority granted in this act in an amount not exceeding ten per cent of its assessed valuation, and shall be all of the property within the county or the municipality, the same as other bonds. The ownership of interurban electric railways, electric light and power plants, hydro-electric plants, shall be prorated, allotted or distributed among the different counties and municipalities that take advantage of the authority granted in this act in proportion to the amount invested by such counties and municipalities. The profit from the operation of electric interurban railways, or the loss sustained thereby, shall be divided in proportion to the amount invested by all co-operating counties and municipalities.

3. That when a county or municipality takes advantage of the authority granted in this act the county commissioners or other governing bodies of the counties, municipal council or governing body of such municipality shall elect three commissioners to represent such county or municipality, which com-

missioners shall act in conjunction and in harmony with the commissioners of other counties or municipalities; that the commissioners shall act in the capacity of a board of directors of the electric street railway and interurban railway system or systems; that the commissioners shall elect operating officials of such street railways and interurban railways, and shall have full supervision and control over such street railways and interurban railways and shall have authority to remove any official or employee of such railway system or systems at will.

4. That the three commissioners to represent such counties or municipalities, as provided for in this act, shall be elected for interlapping terms, so that the terms for all commissioners shall expire at different periods; that the first commissioner shall be elected for a term of one year, the second commissioner for a term of two years, and the third commissioner for a term of three years: and on the expiration of their terms all succeeding commissioners shall be elected for terms of three years. That the proceedings of the joint commission, as herein provided for, shall be published in the same manner as the proceedings for municipalities, and all general laws governing public contracts of municipalities, as provided by the general laws of the State, shall be applicable to the joint commission provided for herein.

5. That whenever a county, through the court of county commissioners or other governing body, or a municipality through the city council or other governing body of such municipality, shall desire to take advantage of the authority granted in this act, it shall be the duty of such governing bodies to order an election in the county or in the municipality as the case may be, to be held after three weeks published notice thereof in some newspaper published in the county, and in accordance with the general laws governing election in this State, at which election the question of whether or not such county or municipality will enter upon the undertaking proposed by the governing board of the county or city. If a majority of the voters shall vote in the affirmative then the county commissioners or municipal councils, or other governing bodies, shall proceed in conformity with the other provisions of this act.

6. That when a county or municipality takes advantage of the authority granted in this act it shall have the right to lease or acquire other, or existing electric street railways and interurban railways, at a fair and reasonable price.

7. That counties or municipalities operating street railways or interurban railways under the provisions of this act shall have authority to exercise the right of eminent domain in acquiring title to land for right of way, stations, sidings, power plants

or other purposes necessary in the operation of street railways and interurban railways. Such eminent domain proceedings shall be conducted in the manner now provided by law.

8. That all laws and parts of laws in conflict with this act are hereby repealed.

9. That this act shall take effect and be in force from and after its passage.

Which was adopted.

Yeas, 23; nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Harper	Rogers (Lauderdale)
Baker	Cowan	Kelly	Rogers (Sumter)
Beale	Craft	Miller	Sims
Bedsole	Ellis	Morris	Smith (Coosa)
Briscoe	Evins	McDowell	Smith (Lawrence)
Carlton	Gunter	Nance	—23

*Nays:*—None.

Mr. Craft then offered the following amendment to said bill, as amended, to-wit:

Amend the bill by striking out the words "ten per cent" where they occur therein, and insert in lieu thereof the words: "three per cent."

Which was adopted.

Yeas, 19; nays, 0.

*Yeas:*

Messrs:

Acker	Carlton	Harper	Nance
Baker	Craft	Kelly	Rogers (Lauderdale)
Beale	Ellis	Miller	Rogers (Sumter)
Bedsole	Evins	Morris	Smith (Lawrence)
Briscoe	Gunter	McDowell	—19

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 21; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Harper	Rogers (Lauderdale)
Baker	Craft	Kelly	Rogers (Sumter)
Beale	Ellis	Miller	Smith (Lawrence)
Bedsole	Evins	McDowell	Tally
Briscoe	Gunter	Nance	West
Carlton			—21

*Nays:*—None.

## BILLS ON THIRD READING.

The bill:

S. 324. To repeal section seven of an act Acts 1892-93 to regulate the fine and forfeiture fund of Wilcox county, and the payment of claims against said fund and to provide funds for the payment of said claims.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs:

Acker	Cowan	Kelly	Rogers (Sumter)
Baker	Craft	Miller	Sims
Beale	Ellis	Morris	Smith (Lawrence)
Bedsole	Gunter	Nance	Tally
Carlton	Harper	Rogers (Lauderdale)	West
Carmichael			

—21

Nays:—None.

The bill:

S. 367. To provide for the payment and retirement of claims against the fine and forfeiture fund of Cullman county, Alabama.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs:

Acker	Cowan	Kelly	Sims
Baker	Craft	Morris	Smith (Coosa)
Beale	Ellis	McDowell	Smith (Lawrence)
Bedsole	Gunter	Nance	Tally
Carlton	Harper	Rogers (Sumter)	West
Carmichael			

—21

Nays:—None.

The bill:

S. 356. To make the clerk of the circuit court of Cullman county, Alabama, ex-officio clerk of the county court of said county and to define his duties and to provide for his fees and compensation.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs:

Baker	Craft	Moore	Sims
Beale	Ellis	Morris	Smith (Coosa)
Bedsole	Evins	Nance	Smith (Lawrence)
Carlton	Gunter	Rogers (Lauderdale)	Tally
Carmichael	Harper	Rogers (Sumter)	West
Cowan			

—21

Nays:—None.

The bill:

S. 315. To fix and provide for the payment out of the county treasury the salary of the deputy solicitor for Cullman county, Alabama, and to repeal all laws and parts of laws in conflict herewith.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

*Yeas:*

Messrs:

Baker	Ellis	Moore	Sims
Beale	Evins	Morris	Smith (Coosa)
Bedsole	Gunter	Nance	Smith (Lawrence)
Carlton	Harper	Rogers (Lauderdale)	Tally
Carmichael	Kelly	Rogers (Sumter)	West
Craft	Miller		

—22

*Nays:*—None.

The bill:

S. 321. To amend section 13 of an act entitled, "An act to further suppress the evils of intemperance; to restrict the receipt, possession and delivery of spirituous, vinous, malted, fermented or other intoxicating or prohibited liquors and beverages and fixing punishment and penalties," approved January 25th, 1919.

Was read a third time at length and passed.

Yeas, 15; nays, 9.

*Yeas:*

Messrs:

Beale	Cowan	Miller	Smith (Coosa)
Bedsole	Ellis	Morris	Smith (Lawrence)
Brown	Harper	Nance	West
Carmichael	Kelly	Sims	

—15

*Nays:*

Messrs:

Baker	Gunter	Moore	Rogers (Lauderdale)
Carlton	Huddleston	McDowell	Tally
Evins			

—9

The bill:

S. 320. To designate the persons who are authorized to purchase, have shipped from outside of the State, receive, accept, delivery of, possess and use wines for sacramental or religious purposes; and to prescribe the procedure for procuring and having the same shipped from outside of the State.

Was read a third time at length and passed.

Yeas, 22; nays, 2.

*Yeas:*

Messrs:

Beale	Ellis	Moore	Sims
Bedsole	Evins	Morris	Smith (Coosa)
Briscoe	Gunter	McDowell	Smith (Lawrence)
Brown	Harper	Nance	Tally
Carmichael	Kelly	Rogers (Lauderdale)	West
Cowan	Miller		

—22

*Nays:*

Messrs:

Baker	Carlton		
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2

The bill:

S. 326. To authorize counties benefited thereby to join in the expense of building, operating and maintaining a bridge or bridges, highway or highways even though only a part or no part of such bridge or bridges, highway or highways may be located in such counties.

Was taken up.

The Committee on Public Roads and Highways offered the following amendment to said bill, to-wit:

Amend by adding after the word counties in line six, the following words: "and the municipalities of said counties."

Amend by adding after the words: "Road commissioners" in line nine the following words: "or like governing bodies."

Which was adopted.

Yeas, 24; nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Kelly	Rogers (Lauderdale)
Baker	Cowan	Miller	Sims
Beale	Ellis	Moore	Smith (Coosa)
Bedsole	Evins	Morris	Smith (Lawrence)
Briscoe	Gunter	McDowell	Tally
Brown	Harper	Nance	West

—24

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Kelly	Sims
Baker	Cowan	Leith	Smith (Coosa)
Beale	Craft	Miller	Smith (Lawrence)
Bedsole	Ellis	Morris	Tally
Briscoe	Evins	McDowell	West
Carlton	Harper	Rogers (Sumter)	

—23

*Nays:*—None.

The bill:

S. 318. To authorize and require courts of this State to take judicial notice of laws of sister states in all cases in which such laws are material or relevant to a decision in any case or proceeding pending in the courts of this State.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Harper	Nance
Baker	Cowan	Kelly	Rogers (Lauderdale)
Beale	Craft	Miller	Smith (Coosa)
Bedsole	Ellis	Moore	Smith (Lawrence)
Briscoe	Espy	Morris	Tally
Brown	Evins	McDowell	West
Carlton	Gunter		

—26

Nays:—None.

The bill:

S. 338. To give a right of action in favor of any party to whom an abusive, obscene or insulting letter or other written or printed communication is sent, against the writer and sender thereof, whether any publication thereof has been made or not, and to provide for the recovery of damages in such action.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs:

Baker	Craft	Miller	Rogers (Lauderdale)
Beale	Ellis	Moore	Smith (Coosa)
Bedsole	Evins	Morris	Smith (Lawrence)
Briscoe	Gunter	McDowell	Tally
Carlton	Harper	Nance	West
Cowan			

—21

Nays:—None.

The bill:

H. 104. To repeal section 6698 of the Code of Alabama of 1907, and to make the clerks of the circuit courts of the respective counties ex-officio clerks of the county courts of said counties; to provide payment for services of such clerks, manner of payment and to provide for a bond as such clerk.

Was read a third time at length and passed.

Yeas, 21; nays, 0.



*Yeas:*

Messrs:

Baker	Craft	Moore	Sims
Beale	Evins	Morris	Smith (Coosa)
Bedsole	Harper	McDowell	Smith (Lawrence)
Briscoe	Leith	Nance	Tally
Carlton	Miller	Rogers (Lauderdale)	West
Cowan			

—21

*Nays:*—None.

The bill:

S. 335. To permit all persons being tried for misdemeanor cases, to have the right to be tried by jury.

Was read a third time at length and passed.

Yeas, 21; nays, 1.

*Yeas:*

Messrs:

Acker	Carmichael	Leith	Nance
Baker	Craft	Miller	Rogers (Lauderdale)
Beale	Ellis	Moore	Smith (Lawrence)
Bedsole	Evins	Morris	Tally
Briscoe	Harper	McDowell	West
Carlton			

—21

*Nays:*

Mr. Sims—1.

The bill:

S. 348. To establish a commission for the promotion of uniformity in State legislation and to prescribe its duties.

Was read a third time at length and passed.

Yeas, 19; nays, 3.

*Yeas:*

Messrs:

Acker	Craft	Miller	Sims
Bedsole	Ellis	Moore	Smith (Coosa)
Briscoe	Evins	McDowell	Smith (Lawrence)
Carlton	Gunter	Nance	West
Carmichael	Harper	Rogers (Lauderdale)	

—19

*Nays:*

Messrs:

Baker	Leith	Tally
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—3

The bill:

H. 83. To regulate the right to carry a pistol in this State.

Was taken up.

Mr. Leith offered the following amendment to said bill, to-wit:

Amend section five so as to read as follows:

In an indictment for a violation of this act, it shall be sufficient to charge that the defendant carried a pistol concealed about his person or on premises not his own or under his control, and if evidence offered to excuse the charge raises a reasonable doubt of the defendant's guilt the jury must acquit him.

Which was adopted.

Yeas, 26; nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Kelly	Rogers (Sumter)
Baker	Cowan	Leith	Sims
Beale	Craft	Miller	Smith (Coosa)
Bedsole	Ellis	Morris	Smith (Lawrence)
Briscoe	Evins	McDowell	Tally
Brown	Gunter	Prestwood	West
Carlton	Harper		

—26

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; nays, 1.

*Yeas:*

Messrs:

Acker	Carlton	Gunter	McDowell
Baker	Carmichael	Harper	Prestwood
Beale	Cowan	Kelly	Rogers (Sumter)
Bedsole	Craft	Leith	Sims
Briscoe	Ellis	Miller	Smith (Lawrence)
Brown	Evins	Morris	West

—24

*Nays:*

Mr. Tally—1.

#### REPORT OF THE SECRETARY.

##### *Gentlemen of the Senate:*

I submit the following report, made pursuant to joint rule No. 5, relative to the delivery of enrolled and signed bills and resolutions to the governor, to-wit:

By Mr. Carmichael:

S. J. R. 85. Relative to the women of the State being given an opportunity to speak on the proposed amendment to the Federal Constitution providing for woman suffrage.

Delivered to the governor July 16, 1919, at 3:40 P. M.

By Mr. Brown:

S. J. R. 83. Relative to the president of the United States being invited to speak in behalf of the Covenant of the League

of Nations before a joint session of the House and Senate of Alabama, the date to be set by him.

Delivered to the governor July 16, 1919, at 3:40 P. M.

By Mr. Griffith:

S. 168. To amend section 8 and 10 of an act entitled, "An act to regulate the fine and forfeiture of Cullman county and to provide for the registration and payment of claims against said fund," approved September 25th, 1915.

Delivered to the governor July 28th, 1919, at 4:45 P. M.

W. F. Miller,

Secretary of the Senate.

#### SECRETARY'S REPORT.

The foregoing report of the Secretary was read and adopted by the Senate.

#### RECESS.

At 12:50 P. M., on motion of Mr. McDowell, the Senate took a recess until 2:30 this afternoon.

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#### AFTERNOON SESSION—THIRTY-FIRST SESSION.

The Senate reassembled at 2:30 o'clock P. M., Lieutenant-Governor Miller presiding.

#### ROLL CALL.

On a call of the roll 20 members answered to their names, a quorum of the Senate.

#### INTRODUCTION OF BILLS.

Upon a call of districts the following bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Mr. Bedsole:

S. 431. To authorize and empower the attorney general of the State of Alabama to revoke and cancel all chauffeurs' licenses issued by the State of Alabama; and to provide under what authority they may be revoked or cancelled; and to provide the procedure for revoking or cancelling the same; and to provide for the punishment of chauffeurs who operate motor vehicles after such license is revoked or cancelled.

Revision of Laws.

## BILLS ON THIRD READING.

The bill:

H. 52. To amend section 1392, 1393 and 1394 of the Code of 1907.

Was taken up.

Mr. West offered the following amendment to said bill:

Amend House bill 52 by adding at the end thereof the following:

This act shall apply to appeals heretofore taken and appeals which are now pending.

Which was adopted.

Yeas, 18; nays, 1.

Yeas:

Messrs:

Beale	Carmichael
Bedsole	Cowan
Briscoe	Ellis
Brown	Evins
Carlton	Harper

Kelly

Miller

Morris

McDowell

Nance

Smith (Coosa)

Smith (Lawrence)

West

—18

Nays:

Mr. Prestwood—1.

Mr. Rogers of Sumter then moved that the further consideration of said bill as amended, be postponed until the next legislative day, which motion prevailed and said bill as amended was postponed until the next legislative day.

The bill:

S. 332. To amend an act entitled, "An act to regulate the employment of minor children within the State of Alabama; to prohibit the employment of minors under certain conditions; to provide for the inspection, and regulation of establishments, occupations, places and premises where minors are employed; to entrust the enforcement of the provisions of this act to the State prison inspector; to punish violations of this act," and approved February 24, 1915.

Was taken up.

Mr. Huddleston offered the following amendment to said bill:

Reduce age limit to 16 years where in the bill appears 14 years.

Mr. Evins moved to lay the motion offered by Mr. Huddleston on the table, which motion prevailed and said amendment was laid on the table.

Yeas, 22; nays, 5.

*Yeas:*

## Messrs:

Acker	Carmichael	Miller	Rogers (Sumter)
Beale	Cowan	Morris	Sims
Bedsole	Ellis	McDowell	Smith (Coosa)
Briscoe	Evins	Prestwood	Smith (Lawrence)
Brown	Gunter	Rogers (Lauderdale)	West
Carlton	Kelly		

—22

*Nays:*

## Messrs:

Baker	Huddleston	Nance	Tally
Harper			

—5

And said bill was then read a third time at length and passed.  
Yeas, 24; nays, 1.

*Yeas:*

## Messrs:

Acker	Carmichael	Harper	Prestwood
Beale	Cowan	Kelly	Rogers (Lauderdale)
Bedsole	Craft	Miller	Sims
Briscoe	Ellis	Morris	Smith (Coosa)
Brown	Evins	McDowell	Smith (Lawrence)
Carlton	Gunter	Nance	West

—24

*Nays:*

Mr. Huddleston—1.

## SPECIAL ORDER.

The Senate proceeded to consider the second special, paramount and continuing order on today's calendar, which was:

S. 218. To submit to the qualified electors of this State at a special election to be held at the call of the governor after ninety days from the final adjournment of this Legislature for their consideration of an amendment to the Constitution for the purpose of authorizing the State to establish and maintain a State highway system of public roads and bridges, to issue interest bearing bonds therefor, to authorize the levy and collection of automobile or other motor driven vehicles taxes by the State for said purposes and to provide for the establishment and maintenance of said State highway system, public roads and bridges according to such regulations as the Legislature may have prescribed or may hereafter prescribe.

The following amendment offered by Mr. Rogers of Sumter to said bill on the thirtieth legislative day, to-wit:

Amend subdivision A of section 1 of article XX of proposed constitutional amendment authorizing twenty-five million (\$25,000,000) dollar bond issue for highways, so as to read as follows:

Section 3, Article XX—Section 1.

## A.

That for the establishment, construction, maintenance of a permanent, excellent and complete system of State highways, public roads and bridges in this State serviceable for three hundred and sixty-five days in the year, and to enable the State to secure the national appropriations for public highways, there shall be issued and sold by the State of Alabama interest-bearing negotiable State bonds, and to exceed the sum of twenty-five million (\$25,000,000) dollars, that said bonds shall bear interest at the rate of not exceeding five per centum per annum, payable annually or semi-annually, shall mature serially or otherwise not less than three or more than forty years from the date of their issuance, shall be made payable out of the State road and bridge fund, which fund is created for that purpose, shall be executed, sold and delivered on behalf of the State from time to time, shall be of denominations of ten dollars and up to one thousand dollars, and mature as may be determined, subject to the approval of the governor, by the highway commission who shall also be highway bond commission acting by majority vote with all proceedings of such commission together with the approval of the governor thereto, reduced to writing and made of record, and the record and registration of said bonds shall be duly deposited in the office of the State treasurer and kept by him; that the bonds and interest coupons shall be approved and signed by the governor and countersigned by the chairman of the highway commission and the State treasurer. Said bonds shall be exempt from State, county and municipal taxes.

Provided, however, that the fac simile signatures upon the interest coupons of said bonds may be lithographed in lieu of signing; that said bonds shall be the direct obligation of the State and for the payment thereof the full faith and credit of the State is hereby irrevocably pledged, that the proceeds derived from the sale of said bonds shall be deposited in the State treasury and kept in a separate fund and shall be exclusively used to defray the cost of constructing and maintaining said highways, public roads and bridges of the State.

Amend subdivision B of same article and section by adding at the end thereof the following:

"subject to the approval of the governor first had and obtained."

Was adopted.

Yeas, 28; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Miller	Rogers (Lauderdale)
Baker	Craft	Moore	Rogers (Sumter)
Beale	Ellis	Morris	Sims
Bedsole	Evins	McDowell	Smith (Coosa)
Briscoe	Gunter	Nance	Smith (Lawrence)
Brown	Huddleston	Phillips	Tally
Carlton	Leith	Prestwood	West

—28

*Nays:*—None.

Mr. Prestwood offered the following amendment to said bill:

Amend paragraph "B" of section 3 of Senate bill No. 218, by adding thereto the following: But the highway department shall out of the moneys derived from the sale of said bonds and the funds provided by law build, construct and maintain not less than thirty miles of road in each county of this State.

Which was adopted.

Yeas, 28; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Leith	Prestwood
Baker	Craft	Miller	Rogers (Sumter)
Beale	Ellis	Moore	Sims
Bedsole	Evins	Morris	Smith (Coosa)
Briscoe	Gunter	McDowell	Smith (Lawrence)
Brown	Huddleston	Nance	Tally
Carlton	Kelly	Phillips	West

—28

*Nays:*—None.

Mr. Prestwood also offered the following amendment to said bill:

Amend paragraph "B" of section 3 of Senate bill No. 218, by adding after the period following the words: "National government" and preceding the words: "That said State highways, roads and bridges shall be constructed and maintained by the State highway department and all moneys derived from the sale of said bonds shall be expended as the highway department may direct" the following: That the Legislature is authorized to levy a tax of not exceeding two mills or so much thereof as may be necessary on every one hundred dollars worth of taxable property of this State to pay the interest and provide for a sinking fund with which to pay said bonds at maturity.

Mr. Smith of Coosa moved to lay the amendment No. 2 offered by Mr. Prestwood on the table, which motion prevailed and said amendment was laid on the table.

Yeas, 23; nays, 1.

*Yeas:*

Messrs:

Baker	Craft	Miller	Sims
Beale	Ellis	Morris	Smith (Coosa)
Briscoe	Evins	McDowell	Smith (Lawrence)
Brown	Harper	Nance	Tally
Carlton	Huddleston	Phillips	West
Cowan	Kelly	Rogers (Sumter)	

—23

*Nays:*

Mr. Prestwood—1.

Mr. Morris offered the following amendment to said bill:

Amend paragraph "A" of section 3 by inserting at the end of the said paragraph the following: "The said bonds shall be sold at not less than par."

which was adopted.

Yeas, 26; nays, 0.

*Yeas:*

Messrs:

Baker	Craft	Morris	Rogers (Sumter)
Beale	Ellis	McDowell	Sims
Bedsale	Evins	Nance	Smith (Coosa)
Briscoe	Gunter	Phillips	Smith (Lawrence)
Brown	Harper	Prestwood	Tally
Carlton	Kelly	Rogers (Lauderdale)	West
Cowan	Miller		

—26

*Nays:*—None.

Mr. Prestwood offered the following amendment to said bill:

Amend section 2 of Senate bill No. 218 so that the same will read as follows:

That the following amendment of the Constitution of Alabama is proposed to be submitted to the qualified electors of the State for their ratification or rejection at the next general election to be held in this State, which amendment is as follows, to-wit.

Which was lost.

Yeas, 4; nays, 24.

*Yeas:*

Messrs:

Baker	Phillips	Kelly	Prestwood
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—4

*Nays:*

Messrs:

Acker	Briscoe	Cowan	Evins
Beale	Brown	Craft	Gunter
Bedsale	Carlton	Ellis	Harper



Huddleston	Morris	Rogers (Sumter)	Smith (Lawrence)
Miller	McDowell	Sims	Tally
Moore	Nance	Smith (Coosa)	West

—24

And said bill, as thus amended, was then read a third time at length and passed.

Yeas, 29; nays, 1.

*Yeas:*

Messrs:

Acker	Craft	Leith	Rogers (Lauderdale)
Baker	Ellis	Miller	Rogers (Sumter)
Beale	Evins	Moore	Sims
Bedsole	Gunter	Morris	Smith (Coosa)
Briscoe	Harper	McDowell	Smith (Lawrence)
Brown	Huddleston	Nance	Tally
Carlton	Kelly	Phillips	West
Cowan			

—29

*Nays:*

Mr. Prestwood—1.

The bill:

S. 242. To repeal an act entitled an act to declare the twelfth day of October a legal holiday, to be known as "Columbus Day," approved March 4th, 1911, Acts 1911, page 91.

Was read a third time at length and passed.

Yeas, 22; nays, 2.

*Yeas:*

Messrs:

Acker	Evins	Moore	Rogers (Lauderdale)
Baker	Harper	Morris	Rogers (Sumter)
Beale	Huddleston	McDowell	Sims
Bedsole	Kelly	Nance	Smith (Coosa)
Briscoe	Leith	Phillips	West
Brown	Miller		

—22

*Nays:*

Messrs:

Craft                      Gunter

—2

The bill:

S. 149. To amend section 3793 of the Code of 1907.

Was taken up.

The Standing Committee on Revision of Laws offered the following amendment to said bill:

Amend by adding at the end of the bill the following:

"And provided further that the Court shall ascertain that the respondent is at the time the bill for divorce is filed incurably insane, and provided further, that this ground of divorce shall

apply to all cases where the respondent or dependent has already been confined in an insane asylum for a period of ten years as well as to cases where the period of ten years confinement in the asylum shall hereafter be attained.

Which was lost.

Yeas, 6; nays, 20.

*Yeas:*

Messrs:

Bedsole  
Carmichael

Gunter  
Rogers (Sumter)

Sims

Smith (Lawrence)

—6

*Nays:*

Messrs:

Acker  
Baker  
Beale  
Briscoe  
Brown

Carlton  
Cowan  
Craft  
Evins  
Harper

Miller  
Moore  
Morris  
McDowell  
Nance

Phillips  
Prestwood  
Smith (Lawrence)  
Tally  
West

—20

And said bill was then read a third time at length and lost.  
Yeas, 6; nays, 22.

*Yeas:*

Messrs:

Carmichael  
Gunter

Huddleston

Rogers (Sumter) Smith (Lawrence)

—6

*Nays:*

Messrs:

Acker  
Baker  
Beale  
Bedsole  
Briscoe  
Brown

Carlton  
Cowan  
Craft  
Evins  
Harper  
Kelly

Miller  
Morris  
McDowell  
Nance  
Phillips

Prestwood  
Rogers (Lauderdale)  
Smith (Coosa)  
Tally  
West

—22

The bill:

S. 334. To provide for the registration and lien of judgments for the payment of money in all courts of the State of Alabama which are not courts of record.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

*Yeas:*

Messrs:

Acker  
Baker  
Beale  
Bedsole  
Brown  
Carlton

Carmichael  
Cowan  
Craft  
Gunter  
Harper  
Huddleston

Kelly  
Miller  
Moore  
Morris  
McDowell  
Phillips

Sims  
Smith (Coosa)  
Smith (Lawrence)  
Tally  
West

—23

*Nays:*—None.

The bill:

S. 323. To ratify, confirm and validate the issuance of road improvement warrant No. 256 for work on the Peach Tree road by the court of county commissioners of Wilcox county, Alabama; and to ratify, confirm and validate all orders, decrees and contracts by said court of county commissioners necessary to authorize the legal issue of said warrant, and to authorize the treasurer of said Wilcox county, Alabama, to pay the interest on said warrant according to its terms as same matures; and to authorize the treasurer of said Wilcox county to pay the principal on said warrant when same matures according to its terms.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Baker	Carmichael	Huddleston	Phillips
Beale	Cowan	Kelly	Sims
Bedsole	Craft	Miller	Smith (Coosa)
Briscoe	Evins	Moore	Smith (Lawrence)
Brown	Gunter	Morris	Tally
Carlton	Harper	McDowell	West

—24

Nays:—None.

The bill:

S. 157. To repeal an act entitled, "An act to limit costs in civil suits other than unlawful detainer suits involving not more than fifty (\$50.00) dollars, brought or instituted in inferior courts located or established in counties having a population of not less than 80,000 or more than 100,000, according to the last Federal census or any subsequent Federal census," approved September 17th, 1915.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Baker	Cowan	Moore	Rogers (Sumter)
Beale	Craft	Morris	Smith (Coosa)
Bedsole	Gunter	McDowell	Smith (Lawrence)
Brown	Harper	Phillips	Tally
Carlton	Huddleston	Prestwood	West
Carmichael	Kelly		

—22

Nays:—None.

The bill:

S. 266. To amend section 2 of an act to regulate and prescribe the manner of giving notice of any and all proceedings in

the courts to non-residents of the State and county in which proceedings are pending, approved September 18th, 1915.

Was read a third time at length and passed.

Yeas, 21; nays, 1.

*Yeas:*

Messrs:

Baker	Craft	Moore	Rogers (Sumter)
Bedsole	Gunter	Morris	Sims
Brown	Harper	McDowell	Smith (Coosa)
Carlton	Huddleston	Phillips	Tally
Carmichael	Miller	Prestwood	West
Cowan			

—21

*Nays:*

Mr. Bealle—1.

The bill:

S. 217. In reference to the removal of administrators from the State.

Was read a third time at length and passed.

Yeas, 21; nays, 1.

*Yeas:*

Messrs:

Baker	Craft	Miller	Sims
Beale	Gunter	Moore	Smith (Coosa)
Briscoe	Harper	Morris	Smith (Lawrence)
Brown	Huddleston	McDowell	Tally
Carmichael	Kelly	Rogers (Lauderdale)	West
Cowan			

—21

*Nays:*

Mr. Prestwood—1.

#### BILL INDEFINITELY POSTPONED.

On motion of Mr. West, the further consideration of S. 21. To amend sections 1392, 1393, and 1394 of the Code of 1907.

Was indefinitely postponed by the Senate.

#### LEAVE OF ABSENCE.

Was granted Mr. Prestwood for tomorrow.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Jones of Montgomery:

H. J. R. 99. Whereas, Lieutenant-General Robert Lee Bullard, U. S. A., a distinguished son of Alabama, whose brilliant services as a leader of American forces on the battle fields of the Old World have won for him the lasting gratitude of the friends of freedom and democracy throughout the civilized world, has returned to the United States from foreign service; and,

Whereas, General Bullard's ability, bravery and devotion to duty have justly enhanced his fame, brought honor and renown to the State of his birth and added a glorious page to the splendid history; therefore, be it

Resolved by the House, the Senate concurring, That the thanks and appreciation of the State be and they are hereby extended to General Bullard for his distinguished services to humanity, his country and his State.

Resolved, further, That General Bullard be and he is hereby invited and requested to address the Legislature of Alabama at such time and on such subject as he may desire.

Resolved, further, That a copy of these resolutions be sent General Bullard.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. McDowell, H. J. R. 99, set out in the foregoing message from the House, was adopted, under a suspension of the rules.

#### ADJOURNMENT.

At 6 o'clock P. M., on motion of Mr. Acker, the Senate adjourned until tomorrow morning at 10 o'clock.

## THIRTY-SECOND DAY.

Friday, August 1st, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

## PRAYER.

By Rev. Riley, of Birmingham.

## ROLL CALL.

## Present:

Mr. President and

Messrs:

Acker	Carmichael	Kelly	Prestwood
Baker	Cowan	Leith	Rogers (Lauderdale)
Beale	Craft	Miller	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Evins	Morris	Smith (Coosa)
Brown	Gunter	McDowell	Smith (Lawrence)
Butler	Harper	Nance	Tally
Carlton	Huddleston	Phillips	West

—32

## JOURNAL.

On motion of Mr. West, the reading of the Journal of yesterday was dispensed with and same was approved by the Senate.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Evins:

S. 432. Regulating the construction and maintenance of buildings in which dry cleaning and dry dyeing is carried on and providing for the inspection of the construction and maintenance by the State fire marshal of dry cleaning and dry dyeing buildings and establishments and providing a penalty for the violation of any provision of this act.

Public Health.

By Mr. Craft:

S. 433. To submit to the qualified electors of the State an amendment to section 93 of the Constitution of the State of Alabama whereby the State may engage in works of internal improvement and lend its money or credit in aid of same, provided

that such improvements be and remain State property to be managed and controlled by the State or such public agency as the Legislature may prescribe and forbidding such assistance to private or corporate enterprises.

Constitution and Constitutional Revisions and Amendments.

(The above bill was read at length as required by the Constitution.)

By Mr. Phillips:

S. 434. To establish a board of revenue for Russell county, to provide for the appointment and election of the members thereof and prescribe their duties and powers, to provide for a president of said board and fix his duties and powers; and fix their compensation; to divide the county of Russell into five (5) board of revenue districts, and abolish the court of county commissioners, and to repeal all conflicting laws general, local and special.

Local Legislation.

(With notice and proof attached and herewith exhibited as follows:)

#### NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama at its next session, which will convene in the city of Montgomery on the eighth day of July, 1919. That a bill will be introduced for passage, at said session of the Legislature, the substance of which will be as follows, to-wit:

An act to establish a board of revenue for Russell county, to provide for the appointment and election of the members thereof and prescribe their duties and powers, to provide for a president of said board and fix his duties and powers; and fix their compensation; to divide the county into five (5) board of revenue districts, and abolish the court of county commissioners, and to repeal all conflicting laws general, local and special.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby established a board of revenue of Russell county, Alabama, consisting of five (5) members, to be known as and called, "The Board of Revenue of Russell County."

Sec. 2. That the county of Russell be, and the same is hereby divided into five (5) board of revenue districts to be numbered, First, Second, Third, Fourth, and Fifth Districts. That the first board of revenue district of Russell county shall be composed of that part of Russell county embraced within the beats or precincts as now existing and numbered as follows, precincts or beats numbered one and two. That the second board of revenue district of Russell county shall be composed of that part of said county embraced within the beats or precincts as now existing and numbered as follows, precincts or beats numbered three and four. That the third board of revenue district of Russell county shall be composed of that part of said county embraced within the precincts or beats as now existing and numbered as follows, precincts or beats numbered five and six. That the fourth board of revenue district of said county shall be composed of that part of said county within the precincts or beats as now existing and numbered as follows, seven and eight. That the fifth board of revenue district of said county shall be composed of that part of said county within the precincts or beats as now existing and numbered as follows, nine and ten.

Sec. 3. On approval of this act by the governor, the governor shall forthwith appoint one member of said board of revenue of Russell county from each of the said five (5) districts provided for in section two of this act, each of said five (5) members so appointed shall be residents of their respective districts, who shall together constitute the members of the board of revenue of Russell county hereby created and established. The members of the said board of revenue appointed by the governor from districts numbered one and two shall hold office until the general election to be held in the year 1920, and until their successors are elected and qualified; and the members of said board of revenue appointed by the governor from the third, fourth and fifth board of revenue districts, as provided for in section two of this act, respectively, shall hold office until the general election to be held in the year 1922, and until their successors are elected and qualified; and subsequently, and on the expiration of the terms of office of the members of the board of revenue of Russell county as provided, there shall be elected a member from each of the said districts, who shall be a resident of said district, by the qualified electors thereof, who shall hold office for a period of four (4) years, and until their successors are elected and qualified.

Sec. 4. That at the first meeting of said board of revenue held after their appointment, the said board of revenue shall choose from its members a president of said board of revenue of Russell county: who shall hold office until his term as such member of said board expires.

Sec. 5. Should any vacancy occur upon the said board of revenue, such vacancy shall be filled by appointment by the governor for the unexpired term, and the appointee shall be a resident of the district which he is appointed to represent, on said board.

Sec. 6. Regular terms of the said board of revenue shall be held on the second Mondays in February, April, August and November of each year and as provided by law, and such special and adjourned terms as the said board of revenue or a majority thereof may deem necessary and proper. Notices of all special meetings shall be given by the president of the board in writing or by publication in some newspaper published in Russell county for five (5) days prior to such meeting. If given in writing by the president, the same shall be served on each member then within the county five (5) days before said meeting.

Sec. 7. That a majority of said board shall constitute a quorum for the transaction of business; and no funds belonging to the county shall be drawn or paid out except as authorized by said board and according to law, and a proper list and registry of all sums drawn or paid out, and of the nature of each claim and the person in whose favor drawn or paid out, and upon what fund the same is drawn, shall be kept by the clerk of said board of revenue.

Sec. 8. That the said board of revenue shall have the power and authority to direct and control the property of the county as it may deem expedient and according to law, to levy general and special taxes for particular county purposes according to the provisions of the laws of the State of Alabama, general or special, to examine, settle and allow accounts of all officers having the management, collection or disbursement of money belonging to the county or appropriated for its use or benefit.

Sec. 9. That the said board shall have all of the jurisdiction and all powers which are now or may hereafter by law be vested in the courts of county commissioners of this State, or boards of revenue or other governing body of like kind, and the several members of the said board of revenue of Russell county shall respectively perform all the duties and services and render all the powers which are or may be required by law of the members of the courts of county commissioners, or boards of revenue or other governing bodies of like kind.



Sec. 10. That all the general laws hereafter enacted by the Legislature of Alabama in relation to the jurisdiction, powers, authorities or duties of county commissioners in this State not in conflict with the provisions of this act, shall apply to the said board of revenue of Russell county, except so much of the said general laws as may relate to the mode of selection of said court of county commissioners, provided that this act shall not be construed to impair the jurisdiction and authority of the said board.

Sec. 11. That the said board shall have the power and authority to compromise the outstanding debts of Russell county, to examine into and pass upon the regularity of warrants already issued, and to classify outstanding warrants, and may pledge the credit of the county to raise money by making temporary loans as provided by law, to discharge the same as it is now or may hereafter be provided by law.

Sec. 12. That the president of the said board shall sign the minutes of the proceedings of the said board and shall sign all warrants drawn upon the county treasury, or repository, all orders for payment or disbursement of the money or funds of the county. It shall be the duty of the said president of such board of revenue in said county to collect and receipt for all road tax and perform all other duties in connection therewith as are now required by law of other officials. It shall be the duty of the said president of the said board to receive and prepare the business and obtain information for the sessions of the said board and see to the execution of all orders of the said board. The president of the said board of revenue shall issue all notices required to be given by the said board and by law, and generally to do and perform all such duties and matters as may be required of him by the said board.

Sec. 13. The board of revenue shall have the power and authority to examine, settle and allow accounts and claims chargeable against the county; to audit and settle the accounts of all officers having the care, management, collection or disbursement of money belonging to the county, or appropriated to its use and benefit; to have the exclusive control of the convict labor of the county and the disbursement of the proceeds of the same, and shall have the right to use said convict labor in working the public roads of said county; and the sole right and authority to bind the county in any contract for the payment of money and the sole right and authority to pay any debt due by the county on any existing contract. Said board of revenue shall be charged with the duty of fixing the amount of and approving the bond now required by law to be given by the bank in said county in which the funds of said county are deposited, as depository, repository or as county treasurer. And said bond shall be adequate in amount and shall be for such sum as said board shall fix with due regard to the safety of the county funds.

Sec. 14. Such board shall be a court of record when acting in a judicial capacity.

Sec. 15. It shall be the duty of the clerk of each court of the said county and of the register in chancery to render to the said board within ten (10) days after adjournment of each term of said courts a list under oath of all fines and forfeitures taken and judgments rendered during such term for the use of the said county.

Sec. 16. It shall be the duty of the board of revenue to cause to be published in some newspaper in Russell county, Alabama, semi-annually and oftener if they deem necessary, a statement showing the receipts of all moneys by the county during the preceding time, since said last report or statement and from what source so received, and a statement of all sums disbursed during the preceding period and for what, and to whom, so disbursed.

Sec. 17. The president and every member of "The Board of Revenue" shall receive for their services four (\$4.00) dollars per diem and five (5c) per mile traveled when actually engaged in the performance of the duties of their office, and five (5c) cents per mile for each mile traveled in going to and from the court house and their places of residence, payable out of the county treasury.

Sec. 18. That the said board shall hold its sessions or meetings at the county seat, and at the court house of said county.

Sec. 19. That within seven (7) days from the appointment of said members of said board of revenue as hereinbefore provided, said members so appointed shall meet and organize said board. And the said board shall ~~transact such business as is proper and necessary at such meeting.~~

Sec. 20. The court of county commissioners which is herein and hereby abolished, shall deliver to said board of revenue at its first meeting as provided for in section nineteen hereof, all books, records, accounts, funds and in fact all belongings of every kind and character held by them as officials for the county of Russell or for the use of said county.

Sec. 21. That said board shall appoint a clerk of said board whose duties shall be to keep the minutes of the meetings and make a record of the same, to keep a record of all claims filed against the county and all claims ordered paid by said board, keeping such minutes and proceedings in well bound volumes provided for that purpose, and to generally do and perform all acts and services in and about the duties of and proceedings of said board as he may be directed to do by said board or by law. For said services said clerk so appointed shall receive not more than five hundred (\$500.00) dollars per annum, to be paid out of the funds of the county. Said clerk shall hold office for one year, and until his successor is appointed and qualified.

Sec. 22. That the court of county commissioners of Russell county be and the same is hereby abolished.

Sec. 23. That all laws and parts of laws, general, local and special, in conflict with the provisions of this act, be and the same are hereby expressly repealed.

The State of Alabama, }  
County of Russell. }

Before me, S. B. Williams, a notary public in and for said county and State, personally came Seth M. Vining, who being first duly sworn, deposes and says on oath that he is the publisher, editor and manager of the "Hurtsboro Tribune," a newspaper published in the town of Hurtsboro, county of Russell and State of Alabama, and that the notice pasted to this affidavit, and hereto referred to and made a part hereof, was inserted, published and appeared regularly in the said "The Hurtsboro Tribune" once a week for four consecutive weeks, without costs to the State of Alabama: Affiant further states on oath that said notice was published on to-wit the 4th day of July, 1919, as aforesaid and for four consecutive weeks thereafter.

Sworn to and subscribed before me this the 29th day of July, 1919.

Seth M. Vining,

S. B. Williams,  
Notary Public, Russell County, Alabama.

By Mr. Gunter:

S. 435. To fix the amount of property which shall bar a Confederate soldier from receiving a pension from the State of Alabama.

Finance and Taxation.

By Mr. West:

S. 436. To suppress the sale or possession of the flesh of any animal of the bovine species under the age of one year.

Public Health.

Also:

S. 437. To establish an inferior court in all cities in Alabama which now have or may hereafter have a population of 100,000 or more inhabitants according to the or any future Federal census, in lieu of inferior courts now having three or more divisions, which said inferior courts having been created in lieu of justices of the peace in such cities or precincts, or sub-divisions of such cities, to define the jurisdiction of said courts, provide places for holding same, terms, salaries of judges, officers and clerks, the manner of election of such judges, clerks, the payment of salaries, and to repeal any and all laws, special, general or local in conflict therewith.

Judiciary.

Also:

S. 438. To authorize and direct the board of revenue of Jefferson county, Alabama, to cause to be paid out of the county treasury of Jefferson county, Alabama, stenographic fees incurred by the recess committee having under consideration local legislation for Jefferson county, Alabama.

Local Legislation.

(With notice and proof hereto attached and herewith exhibited as follows:)

Notice is hereby given that during the approaching sitting of the Legislature of Alabama a bill will be introduced reading substantially as follows:

#### A BILL

To be entitled an act to authorize and direct the board of revenue of Jefferson county, Alabama, to cause to be paid out of the county treasury of Jefferson county, Alabama, stenographic fees incurred by the recess committee having under consideration local legislation for Jefferson county, Alabama.

Be it enacted by the Legislature of Alabama:

1. The board of revenue of Jefferson county, Alabama, is authorized and directed to cause to be paid out of the county treasury of Jefferson county, Alabama, to William M. Lindsay, the sum of five hundred and sixty-nine dollars and forty-three cents (\$569.43), being stenographic fees incurred by the recess committee having under consideration local legislation, for Jefferson county, Alabama, in reporting the proceedings of said committee.

State of Alabama, }  
County of Jefferson. }

Before me, the undersigned authority, in and for the county and State, aforesaid personally appeared George M. Howle, editor of the Weekly Call, a weekly newspaper published in said State and county, who, being by me first duly sworn deposes and says that the notice, a true copy of which is

hereto attached was published in the Weekly Call, once a week for four (4) consecutive weeks, commencing on the 5th day of July, 1919.

Geo. M. Howle,  
Editor of The Weekly Call.

Sworn to before me, and signed in my presence, this 26th day of July, 1919.

Charles B. Powell,  
Notary Public.

Also:

S. 439. To provide for the appointment and compensation of bailiffs of courts in all counties of the State of Alabama which have a population of two hundred thousand or more according to the last or any subsequent Federal census and to fix the compensation of such bailiffs.

Local Legislation.

#### REPORTS OF COMMITTEES.

Mr. Sims, chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gunter:

S. 216. To promote the sale of farm loan bonds issued by the Federal land banks organized under the provisions of the Farm Loan Act.

Mr. Kelly, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Nance:

S. 417. To designate a certain public road of Alabama as a State trunk road.

By Mr. Tally (by request):

S. 420. To exempt from service on the public roads and streets of any incorporated city or town all persons who served the United States in the Army, Navy or Marine service in the war with Germany.

By Mr. Sims:

S. 408. To amend section 13 of an act entitled an act to provide for the better construction, repairing, working, and maintaining of public roads and bridges in Talladega county, Alabama, approved March 15, 1911, and to amend said section 13 of said act as amended by act of the Legislature approved July 17, 1915, so as to make the same read as follows, to-wit:

By Mr. Nance:

S. 416. To designate a certain public road of Alabama as a State trunk road, and to provide the manner in which said road shall be improved and maintained.

By Mr. Jones of Escambia:

H. 436. To authorize all counties having a population of 18,889 and not exceeding 18,890, according to the last Federal census to prescribe punishment for not working the public roads in such counties and to determine what shall constitute a legal excuse for failure to work public roads after due notice is given.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Baker:

S. 393. To regulate the fine and forfeiture fund of Pike county, Alabama, and provide for the registration and payment of claims against said fund.

By Mr. Carmichael:

S. 421. To amend an act entitled an act to amend section 3022 of the Code of Alabama, approved September 25, 1915.

By Mr. Baker:

S. 392. To provide for the payment of witnesses before the grand juries, and State witnesses in all criminal cases, and the fees and commissions of the sheriff and clerks of the circuit court and ex-officio clerk of the county court of Pike county, Alabama, in all criminal cases in which the State fails to convict, out of the general fund of said county.

By Mr. Rogers of Lauderdale:

S. 387. To legalize and validate bonds issued, and authorized by election to be issued, by cities having a population of less than six thousand inhabitants.

By Mr. Acker:

S. 369. To authorize and empower the court of county commissioners, the board of revenue, or other governing body of the several counties of this State to issue interest bearing warrants of the county in settlement of debts or other obligations incurred in the construction or maintenance of public roads or necessary public buildings, or as a security for money borrowed for the payment of such debt or obligation and to issue and sell interest bearing warrants to secure funds for the payment of such debt or obligation and to regulate and prescribe the method of issuing such interest bearing warrants.

By Mr. Acker:

S. 370. To amend section 5877 of the Civil Code of Alabama.

Mr. Butler, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Evins:

S. 381. For the relief of Annie B. Moore.

By Mr. Evins:

S. 399. To fix the salary of the several judges of the Court of Appeals.

By Mr. Evins:

S. 400. To fix the salary of the several circuit judges in Alabama.

By Mr. Evins:

S. 398. To fix the salaries of the several justices of the Supreme Court.

By Mr. Craft:

S. 311. To provide ways and means for the State highway department of Alabama to accept automobile trucks, road equipment and road materials from the United States government, and to pay freight, loading, unloading, moving, housing and such other expenses as may be necessary in receiving and caring for such equipment and materials, and to appropriate \$40,000.00 out of any funds in the State treasury not otherwise appropriated, or so much thereof as may be necessary to defray such expenses, such funds to be returned by the State highway department to the State treasury out of any funds that may accrue to said State highway department out of any appropriation or laws raising revenue for the use and benefit of said department for the construction and maintenance of State highways.

By Mr. Acker:

S. 285. To make an appropriation for the relief of Robert H. Greene.

#### BILL RETURNED AND RE-REFERRED.

Mr. Brown, chairman of the Standing Committee on Municipalities and Municipal Organizations, returned to the Senate, the bill:

S. 385. To provide that it shall be unlawful to require nurses who are in training to work more than eight hours a day, and to provide a penalty for a violation of this act.

And requested that said bill be re-referred to the Standing Committee on Public Health, and pursuant to such request, the President and presiding officer of the Senate re-referred said bill to the Standing Committee on Public Health.

## RESOLUTION TABLED.

On motion of Mr. Carmichael:

S. J. R. 94. Resolved, That no resolution of any kind proposing the adoption or rejection of an amendment to the Constitution of the United States, be considered or adopted by the Senate until after 10 calendar days from the introduction of said resolution, or until 10 days from the transmission of any joint resolution from the House proposing the adoption or rejection of such amendment. Resolved further, That this rule shall not be suspended, amended or rescinded except by vote of a majority of members elected to the Senate, which shall be had on the resolution in writing proposing the suspension, rescission or amendment of said rule, which resolution shall not be considered or adopted until after the lapse of 5 calendar days from the time of its introduction.

Was laid on the table.

## BILLS ON THIRD READING.

The bill:

S. 341. To require a copy of all pleadings in cases pending in the courts of this State at law or in equity to be served on opposing counsel.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs:

Acker	Harper	McDowell	Sims
Beale	Leith	Nance	Smith (Coosa)
Briscoe	Miller	Phillips	Smith (Lawrence)
Brown	Moore	Rogers (Lauderdale)	Tally
Carlton	Morris	Rogers (Sumter)	West
Ellis			

—21

Nays:—None.

The bill:

S. 264. To amend section 4340 (2250) (2373) (2751) (2411) (2015) of the Code of 1907 of Alabama.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

*Yeas:*

Messrs:

Acker	Ellis	Moore	Sims
Bedsole	Evins	Morris	Smith (Coosa)
Briscoe	Gunter	McDowell	Smith (Lawrence)
Carlton	Harper	Nance	Tally
Cowan	Leith	Phillips	West
Craft	Miller	Rogers (Lauderdale)	

—23

*Nays:*—None.

The bill:

S. 265. To amend section 3170 of the Code of Alabama.

Was read a third time at length and passed.

*Yeas*, 21; *nays*, 1.

*Yeas:*

Messrs:

Beale	Harper	Morris	Sims
Bedsole	Kelly	McDowell	Smith (Coosa)
Carlton	Leith	Nance	Smith (Lawrence)
Ellis	Miller	Phillips	Tally
Evins	Moore	Rogers (Lauderdale)	West
Gunter			

—21

Mr. Briscoe—1.

#### CONSIDERATION OF SPECIAL ORDER.

The Senate proceeded to consider the first special order for today, which was:

S. 55. To create a State highway department; to define its powers and duties; to authorize State aid in the construction and maintenance of public roads and bridges; to create a State highway fund and to provide for its expenditure; to impose certain duties upon county and municipal officials and to provide a penalty for their failure to discharge same; to authorize the State highway department to work State convicts upon public roads and bridges; to assent to the act of Congress approved July 11, 1916, known as the "Federal Aid Law" and to authorize the State highway department to co-operate with the United States government in the construction and maintenance of rural post roads; and to repeal the act approved April 5, 1911, entitled "An act to provide for the creation of a State highway commission, defining its powers, duties and compensations, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such pur-



pose and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources."

The Standing Committee on Public Roads and Highways offered the following substitute for said bill, to-wit:

#### A BILL

To be entitled an act to create a State highway department; to define its powers and duties; to authorize State aid in the construction and maintenance of public roads and bridges; to create a State highway fund and to provide for its expenditure; to impose certain duties upon county and municipal officials and to provide a penalty for their failure to discharge same; to authorize the State highway department to work State convicts upon public roads and bridges as is now or may hereafter be provided by law; to assent to the act of Congress approved July 11, 1916, known as the "Federal aid law" and to authorize the State highway department to cooperate with the United States government in the construction and maintenance of rural post roads; and to repeal the act approved April 5, 1911, entitled, "An act to provide for the creation of a State highway commission, defining its powers, duties and compensation, and methods to be adopted for control of same and for appropriations and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof within any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources."

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby created a State highway department for the State of Alabama, which shall consist of a State highway commission and a State highway engineer. Said State highway commission shall consist of the senior professor of civil engineering in the Alabama Polytechnic Institute, the State Geologist and three other persons to be appointed by the governor. One of the first appointive members of said commission shall serve for three years from January 1, 1919, another for four years from said date and another for five years from said date, after which the term of each appointive member shall be four years. All vacancies in the appointive membership of said commission shall be filled by appointment of the governor for the unexpired term. The governor may remove any member for inefficiency, malfeasance or neglect of duty. The members of

said commission shall serve without compensation, but they shall each be allowed traveling and other expenses incurred in the discharge of their official duties. All questions before said commission shall be determined by a majority vote.

Section 2. The State highway commission shall consider and determine all questions relating to the general policy of the State highway department and the conduct of its work. It shall receive and consider the reports of the State highway engineer and ~~act for the State highway department~~ in all matters which have not been especially delegated by law to the State highway engineer. On or before the 1st day of April in each year, it shall be the duty of the commission to submit a printed report to the governor stating as near as possible the number of miles of road built or improved and also the culverts and bridges constructed during the preceding year, the cost and general character of same and the location of materials suitable for road construction. Said commission shall recommend such legislation as it deems advisable and furnish any other information concerning road and bridge improvement as may be deemed expedient.

Section 3. The State highway commission shall elect from its membership a chairman; it shall have a seal and the members thereof shall have the power to administer oaths. The State highway department shall be provided with a suitable office at the capitol and at such other places as the demands on the department may require, which shall be under the charge of the State highway engineer and same shall be kept open at such times as the business of said department and the convenience and interests of the public shall require. Said offices shall be conveniently and properly furnished at the expense of the State and shall be the repository for all records of the State highway department. The State highway commission shall hold meetings at such times and places as it may deem essential for the proper carrying out of the provisions of this act.

Section 4. The State highway commission shall elect a State highway engineer who shall be a competent civil engineer, having had not less than six years responsible engineering experience, of which not less than three years must have been in responsible highway engineering. Said State highway engineer shall hold office subject to the pleasure of the commission and his salary shall be fixed by the Commission and be payable monthly. He shall also be allowed his actual and necessary traveling and other necessary expenses as provided by law while engaged in the performance of his official duties and shall give his whole time to the duties of his office. He shall take the constitutional oath of office and execute a bond to the State in such penal sum as may

be prescribed by the governor in a guaranty company doing business in Alabama, to be approved by the governor, conditioned upon the faithful performance of his official duties. The premium of said bond shall be paid by the State highway department. He shall keep a record of every act of the State highway commission and, with the consent of the commission, he may employ such assistant engineers, clerks, stenographers, draftsmen, foremen and laborers as may be necessary for the proper carrying on of the work of the State highway department, and fix their compensation, which shall be paid out of the State highway fund. It shall be the duty of the State highway engineer to give such advice and assistance to county and municipal officials with regard to the construction and maintenance of roads and bridges in the State as his time and other duties will permit, and as the rules and regulations of the commission may prescribe. He and his assistants may be required to attend public meetings held in or out of the State in the interest of improved road and bridge construction and maintenance.

Section 5. Motor vehicles used by the State highway department, its officials and engineers shall not be subject to any State, county or municipal license. The attorney general of the State shall be ex-officio attorney for the State highway department and shall give said department such legal counsel as it may require. He shall receive his necessary traveling expenses, as provided by law, when in the performance of his duties as ex-officio attorney for said department.

Section 6. The State highway engineer shall keep on file in his office copies of all plans and specifications prepared by the State highway department, and the files and records of said department shall, under reasonable regulations, be kept open for inspection by the public at all times. Certified copies thereof shall be received in evidence in all courts of this State.

Section 7. The State highway engineer shall cause to be made and kept in his office a general highway map of the State which shall show all State trunk roads; he shall collect information and prepare statistics relative to the mileage, character and condition of the roads and bridges in all counties of the State. He shall investigate and determine the methods of road construction best adapted to the various sections of the State and shall establish standards for the maintenance of roads and bridges which have been constructed with State aid. He may at all reasonable times be consulted by county and municipal officials relative to any question involving the construction of roads and bridges, and he may call on all county and municipal officials for any information or assistance he may require, and it shall be

their duty to supply same. Any county or municipal official who fails to supply such information or assistance immediately, shall be guilty of a misdemeanor and upon conviction be fined not less than \$10.00 nor more than \$100.00. The State highway engineer shall determine the character and have general supervision over the construction and maintenance of all public roads and bridges in the State. He shall report all of the proceedings of his office to the State highway commission at such times as it may designate.

Section 8. There is hereby appropriated to the State highway department for its use the entire net revenue derived from the sale of motor vehicle licenses in the State. Said sums herein appropriated, when received by the State treasurer, shall be set aside in a special fund known as the State highway fund and be used for no other purposes than the carrying out of the provisions of this act. Said State highway fund shall be paid out of the treasury on the State auditor's warrant drawn upon presentation to him of the certificate of the State highway commission signed by the State highway engineer.

Section 8½. When any county in the State shall appropriate any sum of money to match a like sum of money given by the Federal Government, through the State highway department for the construction of a Federal aid project, provided work on such project begins after the passage of this act, the said county shall be refunded an amount equal to the amount expended on the project, by the State highway commission from any funds that may be derived from the sale of State road bonds. Such payment shall be made on certificate to the State auditor by the State highway engineer, approved by the chairman of the State highway commission, to the effect that such county is entitled to such fund.

Section 9. The State highway commission shall adopt such rules and regulations for the construction and maintenance of the public roads and bridges in Alabama as it shall deem proper. Same shall be printed and furnished to all local road officials in the State.

Section 10. No member of the State highway commission, the State highway engineer or any other person in the employ of the State highway department shall be, either directly or indirectly, interested in any contract for the construction or maintenance of any road or bridges in the State, or in the sale of any machinery, material or anything whatever entering into the construction, maintenance or repair of said roads and bridges, and any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be

fined not less than \$200.00 nor more than \$500.00, and may also be sentenced to hard labor for not more than one year.

Section 11. The State highway commission shall reserve out of the State highway fund sufficient sum annually, based upon estimates furnished by the State highway engineer, to support the State highway department. The balance shall be used in the construction and maintenance of State trunk roads and bridges on State trunk roads, as provided in this act. Before making any appropriations to counties of State aid, the State highway commission shall first set aside out of the State highway fund a sum, in its opinion, sufficient to secure the Federal fund apportioned to the State, so that the State will not lose the benefit of the appropriation of Federal aid. Whenever the court of county commissioners, board of revenue or other like governing body of a county, shall desire that a State trunk road or a bridge on a State trunk road in said county be constructed or maintained with State aid, written application shall be made by said body to the State highway commission, under such rules and regulations as said commission may prescribe. Such application shall be considered by the commission and if approved by it, the State highway engineer or one of his assistants, shall view said road or bridge and cause to be made surveys, plans, specifications and estimates of the cost of its construction or maintenance, and the State highway commission shall thereupon appropriate out of the State highway fund such part of the estimated cost of said work as it may deem proper, and the State highway department shall proceed to do said work. If it deems best, the commission may condition said appropriation upon the appropriation by the county for said work of an amount fixed by the commission, which shall be paid into the State treasury to the credit of the State highway fund before the work begins. Whenever a county fails to make application for the construction or maintenance of a road or bridge, or the commission deems it best for such work to be done, it may proceed to construct or maintain any part of a State trunk road or bridge upon a State trunk road and pay part or all of the cost of said work out of the State highway fund.

Section 12. The State highway engineer shall furnish a competent engineer when needed during the progress of road or bridge construction or maintenance in any county under the provisions of this act, who shall supervise said work and see that the plans and specifications are complied with. Whenever it is proposed to do said work by contract and the estimated cost of same exceeds \$5,000.00, the State highway engineer shall advertise for bids at least thirty days in advance of the award of the contract in a newspaper published in the city of Montgomery,

and in a newspaper published in the county where the work is to be done, and he shall receive bids for all or a part of said work and let the contract to the lowest responsible bidder, subject to the approval of the State highway commission. He shall reserve the right, however, to reject any and all bids and call for new bids or perform the work or a part of said work by day labor or convict labor as he may deem best for the interest of the State and county. When any work is done by contract the State highway commission shall require a bond of the contractor for the faithful performance of the work. Said bond shall be payable to the State of Alabama, and shall be approved by the State highway commission, and it shall be in the amount of the contract price. The State highway engineer may authorize partial payments to a contractor performing any road or bridge work as the same progresses. The progress estimates and payments shall be based upon materials in place and labor expended upon the work, but not more than eighty-five per cent (85%) of the contract price of the work shall be paid in advance of the full completion and acceptance of same. At least 15% of the full contract price of any such work shall be withheld until the work is satisfactorily completed and accepted by the State highway engineer.

Section 13. Every contract for road or bridge construction or maintenance under the provisions of this act shall be made in the name of the State of Alabama and be signed by the State highway engineer.

Section 14. The rights of way deemed necessary by the State highway department for a road constructed under the provisions of this act shall be required by the county in which such road is located without expense to the State. Should the county fail or refuse to acquire the necessary rights of way, the State, through the State highway commission shall have authority to acquire such rights of way either by purchase or by the exercise of the right of eminent domain.

Section 15. On or before the first day of February in each year the presiding officer of every county of county commissioners, board of revenue or like governing body in this State, shall certify to the State highway department the amount of money expended for all purposes in road and bridge construction and maintenance in his county during the preceding year and also furnish a statement of the estimated amounts of funds that will be available in said county for road and bridge construction and maintenance during the current year.

Section 16. No road constructed or maintained under the provisions of this act shall be dug up or used for laying pipe lines, sewers, railways or for other similar purposes without the writ-

ten permit of the proper road authorities of the county in which the road is located, approved by the State highway engineer and then such work shall be done only in accordance with the regulations prescribed by the said engineer, and the cost of replacing the road in as good condition as it was before said work was done shall be paid by the person to whom or in whose behalf such permit was given. Such person shall furnish the State with a cash deposit or certified check upon a solvent bank in an amount required by the State highway engineer, conditioned that same is to be forfeited to the State in the event said road is not placed in as good condition as it was prior to said work being done, within fifteen days from the time said work is completed.

Section 17. The State highway department is authorized to rent such offices and buildings as may be necessary, to purchase all live stock, machinery, tools and other equipment that it may deem necessary for use upon roads and bridges constructed or maintained under the provisions of this act, and pay for same out of the State highway fund. It shall also pay out of said fund the necessary expenses of said department of every description, including traveling expenses of the officials and engineers, foremen and clerks while in the actual performance of their duties; and also the cost of all supplies for said department and the maintenance of live stock and machinery. All purchases shall be made through the State board of control and economy as provided by law.

Section 18. The State highway commission may make such changes or additions to the system of the State trunk roads as it may deem proper and construct or maintain the same with State aid under the provisions of this act.

Section 19. That the State highway department shall work State convicts in the construction and maintenance of public roads and bridges of Alabama as may now or hereafter be provided by law.

Section 20. That the Legislature of Alabama hereby assents to the provisions of the act of Congress approved July 11, 1916, known as the "Federal aid law," entitled, "An act to provide that the United States shall aid the states in the construction of rural post roads and for other purposes." The State highway department is hereby authorized to enter into all contracts and agreements with the United States Government relating to the construction and maintenance of rural post roads under the provisions of the said act of Congress, to submit such scheme or program of construction and maintenance as may be required by the secretary of agriculture and to do all things necessary to fully carry out the co-operation contemplated and provided for

by said act. The good faith of the State of Alabama is hereby pledged to make available funds sufficient to equal the same apportioned to the State by or under the United States Government, and to maintain the roads constructed under the provisions of said act, and to make adequate provisions for carrying such maintenance.

Section 21. The State highway department is authorized to make all such rules and regulations as may be necessary to carry out the provisions of this act.

Section 22. The act approved April 5, 1911, entitled, "An act to provide for the creation of a State highway commission, defining its powers, duties and compensation, and methods to be adopted for control of same for appropriation and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources," is hereby repealed.

Section 23. This act shall take effect October 1, 1919.

Section 24. All laws or parts of laws, local or general, inconsistent or in conflict with the provisions of this act are hereby repealed.

Section 25. That if any section or provision of this act shall be held to be void or unconstitutional it shall not affect or destroy the validity or constitutionality of any other section or provision which is not in and of itself void and unconstitutional.

Mr. Kelly then offered the following substitute for the substitute offered by the Standing Committee on Public Roads and Highways, to-wit:

#### A SUBSTITUTE FOR THE SUBSTITUTE.

A bill to be entitled an act to create a State highway department; to define its powers and duties; to authorize State aid in the construction and maintenance of public roads and bridges; to create a State highway fund and to provide for its expenditure; to impose certain duties upon county and municipal officials and to provide a penalty for their failure to discharge same; to authorize the State highway department to work State convicts upon public roads and bridges as is now or may hereafter be provided by law; to assent to the act of Congress approved July 11, 1916, known as the "Federal aid law," and to authorize the State highway department to co-



operate with the United States Government in the construction and maintenance of rural post roads; and to repeal the act approved April 5, 1911, entitled, "An act to provide for the creation of a State highway commission, defining its powers, duties and compensation, and methods to be adopted for control of same and for appropriations and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources."

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby created a State highway department for the State of Alabama, which shall consist of a State highway commission and a State highway engineer. Said State highway commission shall consist of the senior professor of civil engineering in the Alabama Polytechnic Institute, the State geologist and three other persons to be appointed by the governor. One of the first appointive members of said commission shall serve for three years from January 1, 1919, another for four years from said date and another for five years from said date, after which the term of each appointive member shall be four years. All vacancies in the appointive membership of said commission shall be filled by appointment of the governor for the unexpired term. The governor may remove any member for inefficiency, malfeasance or neglect of duty. The members of said commission shall serve without compensation, but they shall be allowed traveling and any other expenses incurred in the discharge of their official duties. All questions before said commission shall be determined by a majority vote.

Section 2. The State highway commission shall consider and determine all questions relating to the general policy of the State highway department and the conduct of its work. It shall receive and consider the reports of the State highway engineer and act for the State highway department in all matters which have not been especially delegated by law to the State highway engineer. On or before the 1st day of April in each year, it shall be the duty of the Commission to submit a printed report to the governor stating as near as possible the number of miles of road built or improved and also the culverts and bridges constructed during the preceding year, the cost and general character of same and the location of materials suitable for road construction. Said commission shall recommend such legislation as it deems advis-

able and furnish any other information concerning road and bridge improvement as may be deemed expedient.

Section 3. The State highway commission shall elect from its membership a chairman; it shall have a seal and the members thereof shall have the power to administer oaths. The State highway department shall be provided with a suitable office at the capitol and at such other places as the demands on the department may require, which shall be under the charge of the State highway engineer and same shall be kept open at such times as the business of said department and the convenience and interests of the public shall require. Said offices shall be conveniently and properly furnished at the expense of the State and shall be the repository for all records of the State highway department. The State highway commission shall hold meetings at such times and places as it may deem essential for the proper carrying out of the provisions of this act. Provided, that nothing in this section contained shall interfere or conflict with the jurisdiction, authority and duties of the governor, the State budget commission, or the State board of control and economy.

Section 4. The State highway commission shall elect a State highway engineer who shall be a competent civil engineer, having had not less than six years responsible engineering experience, of which not less than three years must have been in responsible highway engineering. Said State highway engineer shall hold office subject to the pleasure of the commission and his salary shall be fixed by the commission and be payable monthly. He shall also be allowed his actual and necessary traveling and other necessary expenses as provided by law while engaged in the performance of his official duties and shall give his whole time to the duties of his office. He shall take the constitutional oath of office and execute a bond to the State in such penal sum as may be prescribed by the governor in a guaranty company doing business in Alabama, to be approved by the governor, conditioned upon the faithful performance of his official duties. The premium of said bond shall be paid by the State highway department. He shall keep a record of every act of the State highway commission and, with the consent of the commission, subject to the approval of the governor, he may employ such assistant engineers, clerks, stenographers, draftsmen, foremen and laborers as may be necessary for the proper carrying on of the work of the State highway department, and fix their compensation, which shall be paid out of the State highway fund. It shall be the duty of the State highway engineer to give such advice and assistance to county and municipal officials with regard to the construction and maintenance of roads and bridges in the

State as his time and other duties will permit, and as the rules and regulations of the commission may prescribe. He and his assistants may be required to attend public meetings held in or out of the State in the interest of improved road and bridge construction and maintenance. The State highway commission shall be and it is hereby made subject to the provisions of the act establishing the State budget commission, approved February 11, 1919, and none of the provisions of this act are to be construed as conflicting with or altering, impairing, or repealing any provision of said act.

Section 5. Motor vehicles used by the State highway department, its officials and engineers shall not be subject to any State, county or municipal license. The attorney general of the State shall be ex-officio attorney for the State highway department and shall give said department such legal counsel as it may require. He shall receive his necessary traveling expenses, as provided by law, when in the performance of his duties as ex-officio attorney for said department.

Section 6. The State highway engineer shall keep on file in his office copies of all plans and specifications prepared by the State highway department, and the files and records of said department shall, under reasonable regulations, be kept open for inspection by the public at all times. Certified copies thereof shall be received in evidence in all courts of this State.

Section 7. The State highway engineer shall cause to be made and kept in his office a general highway map of the State which shall show all State trunk roads; he shall collect information and prepare statistics relative to the mileage, character and condition of the roads and bridges in all counties of the State. He shall investigate and determine the methods of road construction best adapted to the various sections of the State and shall establish standards for the maintenance of roads and bridges which have been constructed with State aid. He may at all reasonable times be consulted by county and municipal officials relative to any question involving the construction of roads and bridges, and he may call on all county and municipal officials for any information or assistance he may require, and it shall be their duty to supply same. Any county or municipal official who fails to supply such information or assistance immediately, shall be guilty of a misdemeanor and upon conviction be fined not less than \$10.00 nor more than \$100.00. The State highway engineer shall determine the character and have general supervision over the construction and maintenance of all public roads and bridges in the State. He shall report all of the proceedings of his office to the State highway commission at such times as it may designate.

Section 8. There is hereby appropriated to the State highway department for its use the entire net revenue derived from the sale of motor vehicle licenses in the State. Said sums herein appropriated, when received by the State treasurer, shall be set aside in a special fund known as the State highway fund and be used for no other purposes than the carrying out of the provisions of this act. Said State highway fund shall be paid out of the treasury on the State auditor's warrant drawn upon presentation to him of the certificates of the State highway commission signed by the State highway engineer and approved by the governor.

Section 8½. When any county in the State shall appropriate any sum of money to match a like sum of money given by the Federal government, through the State highway department for the construction of a Federal aid project, provided work on such project begins after the passage of this act, the said county shall be refunded an amount equal to the amount expended on the project, by the State highway commission from any funds that may be derived from the sale of State road bonds. Such payment shall be made on certificate to the State auditor by the State highway engineer, approved by the chairman of the State highway commission, to the effect that such county is entitled to such fund.

Section 9. The State highway commission shall adopt such rules and regulations for the construction and maintenance of the public roads and bridges in Alabama as it shall deem proper. Same shall be printed and furnished to all local road officials in the State.

Section 10. No member of the State highway commission, the State highway engineer or any other person in the employ of the State highway department shall be, either directly or indirectly, interested in any contract for the construction or maintenance of any road or bridges in the State, or in the sale of any machinery, material or anything whatever entering into the construction, maintenance or repair of said roads and bridges, and any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$200.00 nor more than \$500.00, and may also be sentenced to hard labor for not more than one year.

Section 11. The State highway commission, subject to the approval of the governor, and subject to the provisions of the State budget commission act, shall reserve out of the State highway fund sufficient sum annually, based upon estimates furnished by the State highway engineer, to support the State highway department. The balance shall be used in the construction

and maintenance of State trunk roads and bridges on State trunk roads, as provided in this act. Before making any appropriations to counties of State aid, the State highway commission shall first set aside out of the State highway fund a sum, in its opinion, sufficient to secure the Federal fund apportioned to the State, so that the State will not lose the benefit of the appropriation of Federal aid. Whenever the court of county commissioners, board of revenue or other like governing body of a county shall desire that a State trunk road or bridge on a State trunk road in said county be constructed or maintained with State aid, written application shall be made by said body to the State highway commission, under such rules and regulations as said commission may prescribe. Such application shall be considered by the commission and if approved by it, the State highway engineer or one of his assistants, shall view said road or bridge and cause to be made surveys, plans, specifications and estimates of the cost of its construction or maintenance, and the State highway commission shall thereupon appropriate out of the State highway fund such part of the estimated cost of said work as it may deem proper, and the State highway department shall proceed to do said work. If it deems best, the commission may condition said appropriation upon the appropriation by the county for said work of an amount fixed by the commission, which shall be paid into the State treasury to the credit of the State highway fund before the work begins. Whenever a county fails to make application for the construction or maintenance of a road or bridge, or the commission deems it best for such work to be done, it may proceed to construct or maintain any part of a State trunk road or bridge upon a State trunk road and pay part or all of the cost of said work out of the State highway fund.

Section 12. The State highway engineer shall furnish a competent engineer when needed during the progress of road or bridge construction or maintenance in any county under the provisions of this act, who shall supervise said work and see that the plans and specifications are complied with. Whenever it is proposed to do said work by contract and the estimated cost of same exceeds \$5,000.00, the State highway engineer shall advertise for bids at least thirty days in advance of the award of the contract in a newspaper published in the city of Montgomery, and in a newspaper published in the county where the work is to be done, and he shall receive bids for all or a part of said work and let the contract to the lowest responsible bidder, subject to the approval of the State highway commission. He shall reserve the right, however, to reject any and all bids and call for new bids or perform the work or a part of said work by day labor

or convict labor as he may deem best for the interest of the State and county. When any work is done by contract the State highway commission shall require a bond of the contractor for the faithful performance of the work. Said bond shall be payable to the State of Alabama and shall be approved by the State highway commission, and it shall be in the amount of the contract price. The State highway engineer may authorize partial payments to a contractor performing any road or bridge work as the same progresses. The progress estimates and payments shall be based upon materials in place and labor expended upon the work, but not more than eighty-five percent (85%) of the contract price of the work shall be paid in advance of the full completion and acceptance of same. At least 15% of the full contract price of any such work shall be withheld until the work is satisfactorily completed and accepted by the State highway engineer.

Section 13. Every contract for road or bridge construction or maintenance under the provisions of this act shall be made in the name of the State of Alabama and signed by the State highway engineer.

Section 14. The rights of way deemed necessary by the State highway department for a road constructed under the provisions of this act shall be acquired by the county in which such road is located without expense to the State. Should the county fail or refuse to acquire the necessary rights of way, the State, through the State highway commission, shall have authority to acquire such rights of way either by purchase or by the exercise of the right of eminent domain.

Section 15. On or before the first day of February in each year the presiding officer of every court of county commissioners, board of revenue or like governing body in this State, shall certify to the State highway department the amount of money expended for all purposes in road and bridge construction and maintenance in his county during the preceding year and also furnish a statement of the estimated amounts of funds that will be available in said county for road and bridge construction and maintenance during the current year.

Section 16. No road constructed or maintained under the provisions of this act shall be dug up or used for laying pipe lines, pole lines, sewers, railways or for other similar purposes, without the written permit of the proper road authorities of the county in which the road is located, approved by the State highway engineer and then such work shall be done only in accordance with the regulations prescribed by the said engineer, and the cost of replacing the road in as good condition as it was before said work was done shall be paid by the person to whom or

in whose behalf such permit was given. Such person shall furnish the State with a cash deposit or certified check upon a solvent bank in an amount required by the State highway engineer, conditioned that same is to be forfeited to the State in the event said road is not placed in as good condition as it was prior to said work being done, within fifteen days from the time said work is completed.

Section 17. The State highway department, subject to the control, authority and supervision of the State board of control and economy, is authorized to rent such offices and buildings as may be necessary, to purchase all live stock, machinery, tools and other equipment that it may deem necessary for use upon roads and bridges constructed or maintained under the provisions of this act, and pay for same out of the State highway fund. It shall also pay out of said fund the necessary expenses of said department of every description, including traveling expenses of the officials and engineers, foremen and clerks while in the actual performance of their duties; and also the cost of all supplies for said department and the maintenance of live stock and machinery. All purchases shall be made through the State board of control and economy as provided by law.

Section 18. The State highway commission may make such changes or additions to the system of State trunk roads as it may deem proper and construct or maintain the same with State aid under the provisions of this act.

Section 19. That the State highway department shall work State convicts in the construction and maintenance of public roads and bridges of Alabama as may now or hereafter be provided by law.

Section 20. That the Legislature of the State of Alabama hereby assents to the provisions of the act of Congress approved July 11, 1916, known as the "Federal aid law," entitled, "An act to provide that the United States shall aid the states in the construction of rural post roads and for other purposes." The State highway department is hereby authorized to enter into all contracts and agreements with the United States Government relating to the construction and maintenance of rural post roads under the provisions of the said act of Congress, to submit such scheme or program of construction and maintenance as may be required by the secretary of agriculture and to do all other things necessary to fully carry out the co-operation contemplated and provided for by said act. The good faith of the State of Alabama is hereby pledged to make available funds sufficient to equal the same apportioned to the State by or under the United States Government, and to maintain the roads constructed under the

provisions of said act, and to make adequate provisions for carrying such maintenance.

Section 21. The State highway department is authorized to make all such rules and regulations as may be necessary to carry out the provisions of this act.

Section 22. The act approved April 5, 1911, entitled, "An act to provide for the creation of a State highway commission, defining its powers, duties and compensations, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources," is hereby repealed.

Section 23. This act shall take effect October 1st, 1919.

Section 24. All laws or parts of laws, local or general, inconsistent or in conflict with the provisions of this act are hereby repealed.

Section 25. That if any section or provision of this act shall be held to be void or unconstitutional, it shall not affect or destroy the validity or constitutionality of any other section or provision which is not in and of itself void and unconstitutional.

Mr. Kelly moved that the foregoing substitute be substituted for the committee substitute, which motion prevailed.

Yeas, 28; nays, 0.

*Yeas:*

Messrs:

Acker	Carlton	Kelly	Rogers (Lauderdale)
Baker	Carmichael	Miller	Rogers (Sumter)
Beale	Cowan	Moore	Sims
Bedsole	Craft	Morris	Smith (Coosa)
Briscoe	Ellis	McDowell	Smith (Lawrence)
Brown	Evins	Nance	Tally
Butler	Harper	Phillips	West

—28

*Nays:*—None.

Mr. Briscoe offered the following amendment to said substitute, to-wit:

Amend section 8 by adding at the end of said section the following: Provided, that in the event that the State shall issue and sell bonds for the construction of public roads the appropriation herein made shall be used for the payment of interest on said bonds and for maintenance of roads and to provide a sinking fund.



Which was adopted.

Yeas, 27; nays, 0.

*Yeas:*

Messrs:

Acker	Carlton	Kelly	Rogers (Lauderdale)
Baker	Carmichael	Leith	Rogers (Sumter)
Beale	Cowan	Miller	Sims
Beale	Craft	Moore	Smith (Coosa)
Briscoe	Ellis	Morris	Smith (Lawrence)
Brown	Evins	McDowell	West
Butler	Harper	Nance	

—27

*Nays:*—None.

Mr. Miller offered the following amendment to said substitute:

Amend section 2 by adding the word “construction” the following: “and said report shall also show where said roads, culverts and bridges have been constructed.”

Which was adopted.

Mr. Rogers of Sumter offered the following amendment to said substitute:

Strike out the words: “or assistance” in line 14 of section 7.

Which was adopted.

Mr. Tally offered the following amendment to said substitute:

Amend section 7 by striking out the word immediately in line 15.

Which was adopted.

And said substitute, as thus amended, was then adopted.

Yeas, 24; nays, 0.

*Yeas:*

Messrs:

Baker	Carlton	Huddleston	Rogers (Lauderdale)
Beale	Carmichael	Kelly	Rogers (Sumter)
Bedsole	Cowan	Leith	Sims
Briscoe	Ellis	Miller	Smith (Coosa)
Brown	Gunter	Nance	Smith (Lawrence)
Butler	Harper	Phillips	Tally

—24

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 27; nays, 0.

*Yeas:*

Messrs:

Baker	Brown	Craft	Harper
Beale	Carlton	Ellis	Huddleston
Bedsole	Carmichael	Evins	Kelly
Briscoe	Cowan	Gunter	Leith

Miller  
Morris  
Nance

Phillips  
Rogers (Lauderdale)  
Rogers (Sumter)

Sims  
Smith (Coosa)  
Smith (Lawrence)

Tally  
West

—27

*Nays*:—None.

The bill:

S. 368. To provide for the establishment, maintenance, repair and regulations of public highways; including bridges and ferries, in St. Clair county.

Was taken up.

The Standing Committee on Public Roads and Highways offered the following amendments to said bill, to-wit:

Sec. 22. The provisions of the general law applicable to roads, bridges and highways not modified or changed herein shall be applicable in said county.

Sec. 23. That the court of county commissioners are hereby required to establish the following roads, which are hereby declared to be State trunk roads:

Road No. —. That certain road beginning at a point west of Seddon in said county on State trunk road No. 34 and extending eastward through the town of Seddon to the line of Talladega county on the Coosa river at Riverside in St. Clair county.

Road No. —. Beginning at Easonville on State trunk road No. 34, thence east to the B. & A. R. R. bridge on the Coosa river.

That the detailed location of such roads between or through the points mentioned and their improvement and maintenance shall be in accordance with standards established by the State highway department and subject to the approval of the State highway engineer.

Which were adopted.

Yeas, 21; nays, 0.

*Yeas*:

Messrs:

Baker

Beale

Briscoe

Briscoe

Carlton

Carmichael

Cowan

Craft

Ellis

Gunter

Harper

Leith

Morris

Nance

Phillips

Rogers (Sumter)

Sims

Smith (Coosa)

Smith (Lawrence)

Tally

West

—21

*Nays*:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 21; nays, 0.

*Yeas:**Messrs:*

Baker	Cowan	Leith	Sims
Beale	Craft	Morris	Smith (Coosa)
Briscoe	Ellis	Nance	Smith (Lawrence)
Brown	Gunter	Phillips	Tally
Carlton	Harper	Rogers (Sumter)	West
Carmichael			

—21

*Nays:*—None.

The bill:

S. 273. To amend section 3993 of the Code of Alabama of 1907, such section being erroneously numbered 2993 on page 633 of the Civil Code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

*Yeas:**Messrs:*

Acker	Carlton	Moore	Rogers (Lauderdale)
Baker	Carmichael	Morris	Smith (Coosa)
Beale	Cowan	McDowell	Smith (Lawrence)
Bedsole	Ellis	Nance	Tally
Briscoe	Harper	Phillips	West
Butler			

—21

*Nays:*—None.

The bill:

S. 281. To amend section 2593 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

*Yeas:**Messrs:*

Acker	Carlton	Harper	Rogers (Lauderdale)
Baker	Carmichael	Moore	Sims
Beale	Cowan	Morris	Smith (Lawrence)
Bedsole	Craft	Nance	Tally
Briscoe	Ellis	Phillips	West
Butler	Gunter		

—22

*Nays:*—None.

The bill:

H. 550. To amend an act entitled, "An act to regulate the charging of fees and furnishing information within the several departments of the State, and to provide for the covering into the State treasury of such fees," approved September 29th, 1915.

Was read a third time at length and passed.

Yeas, 20; nays, 0.

*Yeas:*

Messrs:

Acker	Carlton	Gunter	Rogers (Lauderdale)
Baker	Carmichael	Harper	Sims
Beale	Cowan	Leith	Smith (Lawrence)
Bedsole	Craft	Moore	Tally
Butler	Ellis	Morris	West

—20

*Nays:*—None.

The bill:

H. 483. To provide for the appointment of an assistant solicitor for each judicial circuit in the State composed of one county with three circuit judges; to fix the term of said office; to prescribe the duties and authority of said assistant solicitor, and to fix his compensation.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Leith	Sims
Baker	Craft	Moore	Smith (Coosa)
Beale	Ellis	Morris	Smith (Lawrence)
Bedsole	Gunter	Phillips	Tally
Butler	Harper	Rogers (Lauderdale)	West
Carlton			

—21

*Nays:*—None.

The bill:

S. 154. To amend act number 411 approved September 10th, 1915, entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained.

Was taken up.

The following substitute offered by the Standing Committee on Public Roads and Highways, to-wit:

#### A BILL

To be entitled an act to designate a certain public road of the State of Alabama as a State trunk road and to provide the manner in which such road shall be located, improved and maintained.

Be it enacted by the Legislature of Alabama:

Section 1. That the following described road is hereby declared a State trunk road: Road number 101½. That certain road described as beginning at Wetumpka and extending to Equality, Nixburg, Lauderdale and Goodwater.

Section 2. That the location of said road between the points mentioned in section one of this act shall be established and designated by the State highway department without unnecessary delay and the improvement and maintenance of said road as one of the State trunk roads shall be in accordance with standards established by the State highway department and such improvement and maintenance shall be subject to the approval of the State highway engineer.

Section 3. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Was adopted.

Yeas, 23; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Moore	Sims
Baker	Craft	Morris	Smith (Coosa)
Beale	Ellis	McDowell	Smith (Lawrence)
Briscoe	Gunter	Nance	Tally
Brown	Harper	Phillips	West
Carmichael	Leith	Rogers (Sumter)	

—23

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 22; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Morris	Sims
Baker	Craft	McDowell	Smith (Coosa)
Beale	Ellis	Nance	Smith (Lawrence)
Bedsole	Gunter	Phillips	Tally
Briscoe	Harper	Rogers (Sumter)	West
Carmichael	Moore		

—22

*Nays:*—None.

#### RESOLUTION.

Mr. Acker offered the following joint resolution:

S. J. R. 99. Resolved by the Senate, the House concurring, That when the two houses adjourn today, they shall adjourn to reconvene on Tuesday next, August 5th, 1919, at 2 P. M.

Which was, under a suspension of the rules, adopted.

#### LEAVE OF ABSENCE.

On motion of Mr. Kelly, he was granted leave of absence until next Tuesday.

## BILLS ON THIRD READING.

The bill:

S. 347. To amend section three (3) of an act entitled, "An act to create and establish the office of general guardian ad litem in all counties of sixty thousand (60,000) population and not exceeding eighty-two thousand (82,000) population, and in all counties over one hundred thousand (100,000) population, according to the last Federal census, or according to any subsequent Federal census; to prescribe his duties and qualifications; to provide for his appointment and to fix his compensation and **term of office**; to provide for the appointment of a guardian ad litem in cases where the general guardian ad litem is disqualified or where the interest of the infants interested in the case are antagonistic or conflicting; and to provide a penalty for wrongfully appointing such guardian ad litem," approved March 22nd, 1911, as amended by an act approved July 27th, 1915.

Was taken up.

Mr. Craft offered the following amendment to said bill:

To amend Senate bill No. 347 by striking out the following words wherein they appear in the bill: "and in all counties over one hundred thousand (100,000) population" and

"or according to any subsequent Federal census."

Which was adopted.

Yeas, 21; nays, 0.

Yeas:

Messrs:

Acker	Cowan	Leith	Rogers (Sumter)
Baker	Craft	Miller	Sims
Beale	Ellis	Moore	Smith (Lawrence)
Bedsole	Gunter	Morris	Tally
Butler	Harper	Rogers (Lauderdale)	West
Carlton			

—21

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs:

Acker	Craft	Miller	Rogers (Lauderdale)
Baker	Ellis	Moore	Sims
Beale	Harper	Morris	Smith (Lawrence)
Bedsole	Huddleston	McDowell	Tally
Carlton	Leith	Phillips	West
Cowan			

—21

Nays:—None.

The bill:

S. 263. Providing that mortgages on personal property in this State shall cover only such property as is itemized, described and written into the mortgage at the time of its execution.

Was taken up.

The Standing Committee on Revision of Laws offered the following substitute for said bill, to-wit:

#### A BILL

To be entitled an act providing that mortgages on personal property in this State shall cover only such property as is described, or attempted to be described and written into the mortgage at the time of its execution in hand writing or with typewriter, except as to mortgages of two thousand dollars or more.

Section 1. Be it enacted by the Legislature of Alabama: That mortgages on personal property in this State shall contain and cover only such property as is described or attempted to be described and written into the mortgage at the time of its execution in handwriting or with a typewriter; provided that the provisions of this bill shall not apply to mortgages of two thousand dollars or more.

Mr. Acker offered the following amendment to said bill as amended, to-wit:

Amend S. 263 and the substitute therefor by adding at the end of section one of the substitute the following words:

"And provided that a printed form conveying crops shall not be invalid but shall be sufficient to convey the crops as described or enumerated in such printed form."

Which was adopted.

Yeas, 19; nays, 0.

Yeas:

Messrs:

Acker	Butler	Harper	Rogers (Lauderdale)
Baker	Carlton	Huddleston	Smith (Lawrence)
Beale	Craft	Miller	Tally
Bedsole	Evins	Moore	West
Briscoe	Gunter	Morris	

—19

Nays:—None.

And said substitute, as thus amended, was then adopted.

Yeas, 21; nays, 0.

Yeas:

Messrs:

Acker	Beale	Butler	Cowan
Baker	Bedsole	Carlton	Ellis

Gunter	Moore	Phillips	Smith (Lawrence)
Harper	Morris	Rogers (Lauderdale)	Tally
Leith	McDowell	Sims	West
Miller			

—21

*Nays*:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 18; nays, 5.

<i>Yeas:</i>			
<i>Messrs:</i>			
Acker	Cariton	Huddleston	Rogers (Lauderdale)
Baker	Cowan	Morris	Smith (Lawrence)
Beale	Craft	McDowell	Tally
Bedsole	Evins	Phillips	West
Butler	Gunter		

—18

<i>Nays:</i>			
<i>Messrs:</i>			
Briscoe	Miller	Moore	Sims
Harper			

—5

The bill:

S. 403. To amend section 1 of "An act to provide for the more efficient working of the public roads in Mobile county, and certain streets and public thoroughfares in the city of Mobile; provide for the control, working, building, maintenance and improvement of the same by the board of revenue and road commissioners of Mobile county; to prescribe the duties and fix the authority of said board; to provide for the levy and collection of a road tax, and the method of disbursing moneys necessary to carry out the provisions of this act and provide penalties for violation of its provision," which act was approved August 2nd, 1907.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

<i>Yeas:</i>			
<i>Messrs:</i>			
Acker	Cowan	Huddleston	Rogers (Lauderdale)
Baker	Craft	Miller	Rogers (Sumter)
Beale	Ellis	Moore	Sims
Bedsole	Evins	Morris	Smith (Lawrence)
Briscoe	Gunter	McDowell	Tally
Carlton	Harper	Phillips	West

—24

*Nays*:—None.

The bill:

S. 376. To authorize and empower all counties of Alabama which have or shall have taxable property in such counties of one



hundred million of dollars annually, or more, according to any annual assessment to be made thereafter, to acquire, construct, purchase, own, lease, maintain, use, control, and operate highways, railroads, and terminals and all facilities and structures appurtenant thereto; for the performance of the obligation of warehousemen and common carrier in aid of commerce; to establish reasonable charges for such service; within its own territory; or across, on or through adjacent counties; to establish a commission as a county agency for the performance of this authority and power; to purchase and condemn private property for the above purpose; to dispose of net profits from the operation of the facilities herein described; that private capital shall not be prevented from engaging in the same enterprise; that the power and authority herein described shall become effective immediately upon the ratification of an amendment to the Constitution of Alabama.

Was taken up.

The following amendment offered by the Standing Committee on Commerce and Common Carriers to said bill, to-wit:

To amend section 16 by adding the word "depreciation" after the word "maintenance" in line two.

Was adopted.

Yeas, 21; nays, 0.

*Yeas:*

Messrs:

Acker	Craft	Morris	Rogers (Sumter)
Baker	Gunter	McDowell	Sims
Briscoe	Harper	Nance	Smith (Lawrence)
Butler	Huddleston	Phillips	Tally
Carlton	Miller	Rogers (Lauderdale)	West
Cowan			

—21

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 25; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Huddleston	Rogers (Lauderdale)
Baker	Craft	Moore	Rogers (Sumter)
Beale	Ellis	Morris	Sims
Bedsole	Evins	McDowell	Smith (Lawrence)
Briscoe	Gunter	Nance	Tally
Butler	Harper	Phillips	West
Carlton			

—25

*Nays:*—None.

The bill:

S. 316. To declare the force and effect of judgments and degrees of courts of record, insofar as they relate to matters of special or limited jurisdiction.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Acker	Carlton	Harper	Phillips
Baker	Cowan	Huddleston	Rogers (Sumter)
Beaie	Craft	Miller	Sims
Bedsole	Ellis	Morris	Smith (Lawrence)
Briscoe	Evins	McDowell	Tally
Butler	Gunter	Nance	West

—24

Nays:—None.

The bill:

S. 307. To designate a certain public road of the State of Alabama as a State trunk road and to provide the manner in which such road shall be located, improved and maintained and to make its establishment imperative.

Was taken up.

The following substitute offered by the Committee on Public Roads and Highways, to-wit:

#### A BILL

To be entitled an act to designate a certain public road of the State of Alabama as a State trunk road, and to provide the manner in which such road shall be located, improved and maintained and to make its establishment imperative.

Be it enacted by the Legislature of Alabama:

Section 1. That the following described road is hereby declared a State trunk road: Road number 41½. "That certain road described as beginning at Scottsboro and extending by way of Section Ferry on the Tennessee river, to Section, Dutton, Pisgah, Rosalie and the Alabama-Georgia State line at or near Trenton, Georgia.

Section 2. That the detailed location of said road between the points mentioned in section 1 of this act shall be established and designated by the State highway department without unnecessary delay and the improvement and maintenance of said road as one of the trunk roads of this State shall be in accordance with standards established by the State highway department and such improvement and maintenance shall be subject to the approval of the State highway engineer.

Section 3. The propriety of locating, constructing and maintaining said road shall not be within the discretion of the State highway commission nor the State highway engineer, any law to the contrary notwithstanding.

Section 4. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Was adopted.

Yeas, 22; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Moore	Rogers (Sumter)
Baker	Craft	Morris	Sims
Beale	Ellis	McDowell	Smith (Lawrence)
Briscoe	Gunter	Nance	Tally
Butler	Harper	Phillips	West
Carlton	Miller		

—22

*Nays:*—None.

Was adopted.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; nays, 0.

*Yeas:*

Messrs:

Acker	Carlton	Miller	Rogers (Sumter)
Baker	Cowan	Moore	Sims
Beale	Craft	Morris	Smith (Lawrence)
Bedsole	Ellis	McDowell	Tally
Briscoe	Gunter	Nance	West
Butler	Harper	Phillips	

—23

*Nays:*—None.

The bill:

S. 377. To authorize cities and towns of over five thousand population according to the last Federal census, or which shall have such population according to any Federal census taken thereafter, and situated in counties which have or which shall have, annually, taxable property in such counties of one hundred millions of dollars, or more, according to the assessments by such counties for the year A. D. 1918, or according to any annual assessments hereafter made, to acquire, construct, purchase, maintain, own, lease, use, control and operate railroads by any kind of motive power, and terminal facilities and other structures, appurtenant thereto, in aid of commerce and the transportation of passengers, within, across, in or through the territory of such counties inw hich such cities and towns are situated or adjacent counties, and to issue bonds, grant money and property to carry into execution these powers.

Was taken up.

The Standing Committee on Commerce and Common Carriers offered the following amendment to said bill, to-wit:

To amend the caption by adding the words: "And to grant public money and things of value in aid of" after the word "operate" in line nine.

Which was adopted.

Yeas, 18; nays, 0.

Yeas:

Messrs:

Baker	Cowan	Moore	Sims
Beale	Craft	Morris	Smith (Lawrence)
Bedsole	Gunter	Nance	Tally
Butler	Harper	Phillips	West
Carlton	Miller		

—18

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Acker	Carlton	Harper	Phillips
Baker	Cowan	Miller	Sims
Beale	Craft	Moore	Smith (Lawrence)
Bedsole	Ellis	Morris	Tally
Brown	Evins	Nance	West
Butler	Gunter		

—22

Nays:—None.

The bill:

S. 375. To provide for the acquirement, construction, ownership, lease, maintenance, use, control and operation by counties of Alabama which have or which shall have taxable property in such counties of one hundred millions of dollars annually, or more, according to the assessments by such counties for the year of 1918 A. D., or according to the annual assessments to be hereafter made, of highways, of railroads—by any kind of motive power; freight stations; passenger stations; wharves; piers; docks; warehouses; grain elevators; storage tanks; team trucks; and all other facilities and structures appurtenant thereto, by the issue of bonds, not exceeding one per cent, in addition to the limit of county indebtedness, of such taxable property in such counties; the holding of elections to decide whether such counties shall issue such bonds; to authorize the county internal improvement commission, a county agency, to sell said bonds and to account to the board of revenue therefor of the county; to levy and collect a special tax, not exceeding twenty cents on each one hun-

dred dollars of taxable property, to be in addition to the maximum rate prescribed; exemption from State, county and municipal taxation of such bonds; to become effective upon ratification of an amendment to the Constitution of Alabama; and same power to new counties formed from such counties.

Was taken up.

The Standing Committee on Commerce and Common Carriers offered the following amendment to said bill, to-wit:

To amend section 2 by adding the words "called and" after the word "be" in the last sentence.

Which was adopted.

Yeas, 23; nays, 0.

*Yeas:*

Messrs:

Acker	Butler	Harper	Rogers (Lauderdale)
Baker	Cowan	Miller	Sims
Beale	Craft	Moore	Smith (Lawrence)
Bedsole	Ellis	Morris	Tally
Briscoe	Evins	McDowell	West
Brown	Gunter	Nance	

—23

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; nays, 0.

*Yeas:*

Messrs:

Acker	Butler	Gunter	Phillips
Baker	Carlton	Harper	Rogers (Lauderdale)
Beale	Cowan	Miller	Sims
Bedsole	Craft	Moore	Smith (Lawrence)
Briscoe	Ellis	Morris	Tally
Brown	Evins	Nance	West

—24

*Nays:*—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Hawkins:

H. J. R. 100. Be it resolved by the House of Representatives of the State of Alabama, the Senate concurring:

1. That the Legislature of Alabama views with much concern and anxiety the highly disordered condition of various communities in the North and Middle West, particularly as evidenced by the race riots taking place in the cities of Washington and Chicago, in which there was large loss of human life and property.

2. That the apparent hatred which exists between the races in those communities is to be deeply deplored, and the sympathy of the people of this State is extended the conservative and law-abiding citizens of those sections, and who are believed to be wholly out of sympathy with such conditions.

3. That the people of this State believe that the political and business leaders of those sections ought to be animated by a better spirit of fraternity and high-mindedness and fair dealing in their conduct toward the large number of colored people which have migrated into their midst.

4. That it is believed that if those leaders and the people of those states generally were prompted more by humane considerations, and a sense of justice, which would manifest themselves in a practical way, rather than in a course of conduct based on purely idealistic and theoretical conditions, a better spirit would prevail.

5. That as an example of a nearly ideal approach to cordial and friendly relations they are referred to the fine spirit of mutual understanding which exists between the races in the South. And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. McDowell, H. J. R. 100, set out in the foregoing message from the House, was, under a suspension of the rules, adopted by the Senate.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. 99, relative to adjournment.

And returns same.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. McDowell, the Senate concurred in and adopted the following amendment by the House to Senate joint resolution 99, the title of which is set out in the foregoing message from the House, to-wit:

Amend the resolution by striking out the words 10 A. M. and inserting the words 2 P. M.

#### ADJOURNMENT.

On motion of Mr. Morris, and pursuant to Senate joint resolution 99, heretofore adopted, the Senate at 1:10 P. M., adjourned until 2 o'clock P. M., Tuesday, August 5th, 1919.

## THIRTY-THIRD DAY.

Tuesday, August 5, 1919.

The Senate met pursuant to adjournment, President Pro Tem Bedsole presiding.

## PRAYER.

By Rev. Ingram, of the House.

## ROLL CALL.

## Present:

Mr. President and

Messrs:

Acker	Cowan	Huddleston	Phillips
Baker	Craft	Kelly	Prestwood
Beale	Ellis	Leith	Rogers (Sumter)
Bedsole	Espy	Miller	Sims
Briscoe	Evins	Moore	Smith (Coosa)
Brown	Griffith	Morris	Smith (Lawrence)
Butler	Gunter	McDowell	Tally
Carlton	Harper	Nance	West

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## JOURNAL.

On motion of Mr. Rogers of Sumter, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Griffith:

S. 440. To abolish the office of registrar of voters and electors in each county of the State, and to confer upon the register in chancery of each county all the power and authority now vested in the registrar relative to the registration of electors and voters; and to provide that all persons may register at any time during the year except as hereinafter provided, upon application to the register in chancery, if he be otherwise a qualified elector under the Constitution and laws of Alabama, and to provide for the payment of the fee to the register in chancery for each person registered, to be paid out of the county treasury upon certificate to such effect, signed by the register in chancery, and upon warrant drawn by the president of the board of revenue or the chairman of the court of county commissioners.

Judiciary.

By Mr. Sims:

S. 441. To amend section 4109 of the Code of Alabama.  
Judiciary.

By Mr. Briscoe:

S. 442. To create the office of State Fire Marshal, and to provide for the appointment of deputy marshal and assistant; to define their powers and duties and to fix their compensation; provide ways and means for the enforcement of this act and penalties for violation thereof; and to provide means for defraying the expenses incurred under the provisions hereof.

Revision of Laws.

By Mr. Harper:

S. 443. To amend sections 2 and 3 of an act entitled "An act to establish a board of revenue for Shelby county, and to abolish the court of county commissioners thereof," passed at the session of 1911, being in Local Acts of Alabama, page 154, said amendment making the president and members of said board elective by the qualified voters of said county, and fixing the term of office of said president and members of said board and the time of their election and providing that in case of a vacancy in the office of president or a member of said board, the vacancy shall be filled by election by a majority of the members of the board, for the unexpired term; and providing further that the president and members of the board now holding office shall hold their said office until their successors are elected and qualified under the provisions of this act.

Local Legislation.

(With notice and proof attached and herewith exhibited as follows:)

#### NOTICE.

To whom it may concern:

Notice is hereby given of the intention to apply to the Legislature of Alabama to convene in the city of Montgomery, Alabama, on the 14th day of January, 1919, for the passage of an act entitled "An act to amend sections 2 and 3 of an act entitled "An act to establish a board of revenue for Shelby county, and to abolish the court of county commissioners thereof," passed at the session of 1911, being in Local Acts of Alabama, page 154, said amendment making the president and members of said board elective by the qualified voters of said county, and fixing the term of office of said president and members of said board and the time of their election, and providing that in case of a vacancy in the office of president or a member of said board the vacancy shall be filled by election by a majority of the members of the board, for the unexpired term; and providing further that the president and members of the board now holding office shall hold their said office until their successors are elected and qualified under the provisions of this act.



The State of Alabama, }  
 Shelby County. }

Before me, G. W. Weaver, the undersigned authority in and for said county in said State personally appeared J. F. Norris, who is known to me, and who being by me first duly sworn, deposes and says: That he is editor, proprietor and publisher of the Peoples Advocate, a newspaper published at Columbiana, Shelby county, Alabama; that the same is and has been published and issued in weekly editions regularly in said county for more than twelve months last past and that the notice hereto attached marked Exhibit A was published without cost to the State of Alabama once a week for four consecutive weeks, in said newspaper, in said county, said publication commencing on the 26th day of December, 1918, and ending on the 16th day of January, 1919.

J. F. Norris.

Sworn to and subscribed before me on this the 16th day of January, 1919.

G. W. Weaver,  
 Judge of Probate.

By Mr. Prestwood:

S. 444. To suppress profiteering by requiring articles and commodities of merchandise and things sold or offered for sale to be so marked, or the cost and selling price thereof displayed or published that the purchaser, or prospective purchaser may ascertain the amount of profit demanded by the seller in the sale thereof and prescribing a penalty for failing to mark, falsely marking, falsely publishing, or falsely representing the cost of such articles, commodities, or things.

Judiciary.

Also:

S. 445. To amend an act entitled, "An act to amend section 3910 of the Code," approved April 18, 1911.

Judiciary.

By Mr. Prestwood:

S. 446. To provide that mechanics' and material men's lien and the right of enforcement thereof in Covington county, Alabama, shall attach and apply to property of a married woman where the service or labor is performed or the materials furnished with her knowledge and consent under a contract with the husband, and upon property owned jointly by husband and wife when the service or labor is performed or materials furnished under a contract with either or both, with the knowledge and consent of the other; to provide that no homestead right shall defeat such lien or the enforcement thereof; and to prescribe what shall be deemed to be consent within the meaning of this act.

Judiciary.

(With notice and proof attached and herewith exhibited as follows:)

## NOTICE.

Notice is hereby given that a bill will be introduced during the present (1919) session of the Legislature of Alabama and an effort made to have the same enacted into law for Covington county, Alabama, providing in substance that the lien and method of enforcement provided by Article I, Chapter 107, of the Code of Alabama of 1907, shall apply to lands of a married woman in all cases where the service or labor is performed upon such lands or the material or fixtures therefor, with her knowledge and consent, under a contract with her husband; and providing that in cases where the land is owned jointly by husband and wife the said lien shall attach in cases where the service or labor is performed or fixtures furnished under a contract with both of them or under a contract with one by and with the consent of the other, or where such service or labor or material or fixtures is performed or furnished with the knowledge and consent of such other; providing that no homestead right shall defeat such lien; and providing what shall be deemed to be consent within the meaning of this act.

The State of Alabama, }  
Covington County.

Before me, A. H. Robinson, a notary public in and for said county in said State, personally appeared Oscar M. Dugger, who is known to me and who being by me duly sworn doth depose and say on oath that he is editor and publisher of The Andalusia Star, a newspaper published in said Covington County, Alabama, and that the printed notice pasted to this affidavit was published in said The Andalusia Star in its regular issues once a week for four consecutive weeks prior to the making of this affidavit, said notice having been published in said regular issues of said newspaper of July 1, July 8, July 15, and July 22, 1919.

Oscar M. Dugger.

Sworn to and subscribed before me this 30th day of July, 1919.

A. H. Robinson,  
Notary Public.

(Seal)

By Mr. McDowell:

S. 447. To prevent the tethering, tying out or staking out of any cow, calf, horse, mule, hog, goat, sheep or other live stock or animal upon any public road in this State or along the side of or so near to any public road that such animal so tethered, tied out or staked out, may go upon the public road.

Judiciary.

By Mr. Nance:

S. 448. To create a county highway commission for Cherokee county, Alabama, to be known as the Cherokee county highway commission and to provide for the appointment thereof by the governor; to invest it with full, complete and unlimited jurisdiction over the public roads, bridges and ferries in Cherokee county; to prescribe and define its powers and duties as such highway commission, and to repeal all laws and parts of laws in conflict therewith; to abolish free labor on the public roads in Cherokee county and in lieu thereof, assess public road dues on those re-

quired to perform free labor on the public roads; to authorize the commission to take charge of all the public road tools and machinery belonging to the county, and to receive all the funds now provided by the county for the use of the public roads, bridges and ferries therein; and, in addition thereto, to levy and collect special privilege license taxes for the construction and maintenance of the public roads, bridges and ferries in the county; to authorize and empower the commission to exercise all the legislative, judicial and executive authority over the public roads, bridges and ferries conferred by law on the court of county commissioners; to fix penalties for the violations of any of the provisions of this act, and for the violation of any of the rules or legislative acts of the commission.

#### Public Roads and Highways.

(With notice and proof attached and herewith exhibited as follows):

#### TO WHOM IT MAY CONCERN.

Notice is hereby given that the following bill as outlined herein, will be presented to the Legislature of Alabama for enactment at the adjourned session thereof, beginning July the 8th, 1919.

#### A BILL

To be entitled an act to create a county highway commission for Cherokee county, Alabama, to be known as the Cherokee Highway Commission, and to provide for the appointment thereof by the governor; to invest it with full, complete and unlimited jurisdiction over the public roads, bridges and ferries in Cherokee county; to prescribe and define its powers and duties as such highway commission, and to repeal all laws and parts of laws in conflict therewith. To abolish free labor on the public roads in Cherokee county, and in lieu thereof assess public road dues on those required to perform free labor on the public roads. To authorize the commission to take charge of all public road tools and machinery belonging to the county and to receive all the funds now provided by the county for the use of the public roads, bridges and ferries therein; and, in addition thereto, to levy and collect special privilege license taxes for the construction and maintenance of the public roads, bridges and ferries in the county. To authorize and empower the commission to exercise all the legislative, judicial and executive authority over the public roads, bridges and ferries of Cherokee county conferred by law on the court of county commissioners. To fix penalties for violations of any of the provisions of this act, and for the violations of the rules, or legislative acts of the commission.

J. A. Nance.

State of Alabama, }  
Cherokee County. }

Before me, M. W. Copeland, a notary public, in and for said county and State, appeared T. H. Shropshire, publisher of the "Coosa River News," a newspaper published in Centre, Cherokee county, Alabama, who, being duly sworn, says, that the advertisement attached hereto, entitled an act to create a county highway commission, etc., appeared in his newspaper for four consecutive issues, to-wit: July 11th, 18th, 25th, and August 1st, 1919.

T. H. Shropshire.

Sworn and subscribed to before me, this the 2nd day of August, 1919.

M. W. Copeland,  
Notary Public.

By Mr. Nance:

S. 449. To designate a certain road a State trunk road in Cherokee county, Alabama.

Public Roads and Highways.

By Mr. Gunter:

S. 450. To authorize the employment in counties of more than eighty-two thousand and less than one hundred thousand, according to the latest Federal census, of persons to investigate and report violations of law; prescribe the mode of their employment, their term of office, their duties, and the amount and method of payment for their services.

Judiciary.

Also:

S. 451. To fix the compensation of members of the boards of revenue in this State in counties which now have or which may hereafter have a population of eighty-two thousand people and not exceeding two hundred thousand people, according to the last Federal census or any such census which may hereafter be taken and to provide for the payment of such compensation.

Judiciary.

By Mr. Evins:

S. 452. To amend section 2686 of the Code of Alabama of 1907.

Judiciary.

Also:

S. 453. To authorize the extension of the corporate existence of banking corporations organized under or chartered by any special act of the Legislature and to provide the method of making such extension.

Judiciary.

By Mr. Espy:

S. 454. To amend an act approved February 19, 1919, entitled, "An act to amend section 1, of an act, entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained, approved September 10, 1915."

Public Roads and Highways.

By Mr. Baker:

S. 455. To further regulate the shipment of horses, mules, asses, cattle, sheep and swine upon inspection and health certificate and to provide for the form of such certificate.

Revision of Laws.

By Mr. Leith:

S. 456. To provide for the issuance of certificates to practice medicine in this State to persons who have diplomas from a recognized school of medicine and who have had at least six months hospital service as a physician in a hospital then operated or controlled by the United States Government during the war with Germany and its allies, and who can furnish recommendations from five reputable physicians who are members of the Alabama Medical Association.

Public Health.

By Mr. Acker:

S. 457. To fix the compensation of the members of the commissioners courts or boards of revenue in all counties having a population of not less than 39,110 and not more than 39,920, according to the census of 1910, and to provide for the payment of the same.

Finance and Taxation.

By Mr. West (by request):

S. 458. To alter or re-arrange the boundary lines of the city of Birmingham, Alabama, so as to exclude from the city of Birmingham certain territory now included in the corporate limits of said city of Birmingham.

Local Legislation.

(With notice and proof attached and herewith exhibited as follows:)

#### NOTICE.

Notice is hereby given that a bill will be introduced for passage at the present session of the Legislature of the State of Alabama, the substance of which is as follows:

A bill to be entitled an act to alter or re-arrange the boundary lines of the city of Birmingham, Alabama, so as to exclude from the city of Birmingham certain territory now included in the corporate limits of said city of Birmingham.

Be it enacted by the Legislature of Alabama:

Section 1. That the boundaries of the city of Birmingham in the county of Jefferson, State of Alabama, be and the same are hereby altered and re-arranged so as to include within the corporate limits of said city all of the territory lying within the county of Jefferson included within the boundaries herein set out to-wit:

Begin at the southwest corner of section 6, township 18 south, range 2 west; thence in a northerly direction along the western boundary of said section to intersection with the northern boundary of right of way of the Birmingham Mineral Railroad; thence in a northeasterly direction along a straight line through the southwest quarter of southwest quarter of said section to a point in its northern boundary where the eastern boundary of an alley in block eight hundred and fifty-four (854) of the Birmingham Realty Company's survey intersects the northern boundary of said quarter-quarter section; thence in an easterly direction along said northern boundary to the northeast corner of said quarter-quarter section; thence in a

southerly direction along the eastern boundary of said quarter-quarter section to intersection with the northern boundary of the right of way of the Birmingham Mineral Railroad; thence in a northeasterly direction along said northern boundary of said right of way to intersection with the eastern boundary of the west half of northeast quarter of section 27, township 17 south, range 2 west; thence in a northeasterly direction along a straight line to the center of section 12, township 17 south, range 2 west; thence in a northwesterly direction along a straight line to the southeast corner of the northeast quarter of southeast quarter of section 3, township 17 south, range 2 west; thence in a southwesterly direction along a straight line to point of intersection of the north and south center line of section 17, township 17 south, range 2 west with the northern boundary of right of way of the Birmingham Mineral Railroad; thence in a westerly direction along said northern boundary of said right of way to the western boundary of the east half of west half of section 18, township 17 south, range 2 west; thence in a northerly direction along said western boundary to the southeast corner of the northwest quarter of northwest quarter of said section 18; thence in a westerly direction along a straight line to the southeast corner of the northeast quarter of northwest quarter of section 15, township 17 south, range 3 west; thence in a southerly direction along the north and south center line of said section 15 to the southwest corner of the southwest quarter of southeast quarter of said section 15; thence in a westerly direction along the southern boundary of said section 15 to the southwest corner of the southeast quarter of southwest quarter of said section 15; thence in a southerly direction along the eastern boundary of the northwest quarter of northwest quarter of section 22, township 17 south, range 3 west, to the southeast corner thereof; thence in a westerly direction along the southern boundary of said quarter-quarter section to the southwest corner thereof; thence in a southerly direction along the western boundary of the southwest quarter of northwest quarter of said section 22 to the northeast corner of the south half of section 21, township 17 south, range 3 west; thence in a westerly direction along a straight line to the center of section 19, township 17 south, range 3 west; thence in a southerly direction along the north and south center lines of sections 19 and 30, township 17 south, range 3 west, to intersection with the west bound track of the Birmingham Mineral Railroad; thence in a southwesterly direction along the west side of the west bound track of said Birmingham Mineral Railroad to intersection with the southern boundary of section 36, township 17 south, range 4 west; thence in a westerly direction along said southern boundary to the southwest corner of the southeast quarter of southwest quarter of said section 36; thence in a northerly direction along the eastern boundary of the southwest quarter of southwest quarter of said section 36 to the northeast corner thereof; thence in a westerly direction along a straight line to the southwest corner of the northeast quarter of southwest quarter of section 35, township 17 south, range 4 west; thence in a southerly direction along a straight line to the southwest corner of the southeast quarter of southwest quarter of section 2, township 18 south, range 4 west; thence in an easterly direction along the southern boundary of said section 2 to the southeast corner thereof; thence continuing in an easterly direction along the southern boundary of section 1, township 18 south, range 4 west, 186.71 feet to intersection with the southeast boundary of land of the Birmingham Southern Railroad Company; thence turning an angle of 57 degrees and 38 minutes to the left, 1570.83 feet in a northeasterly direction to the northern boundary of the southwest quarter of southwest quarter of said section 1; thence, turning an angle of 122 degrees and 29 minutes to the left, 26.08 feet in a westerly direction along said northern boundary; thence, turning an angle of 122 degrees and 29 minutes to the right, 1208.7 feet in a northeasterly direction;

thence, turning an angle of 104 degrees and 55 minutes to the left, 5.22 feet in a northwesterly direction; thence, turning an angle of 104 degrees and 55 minutes to the right, 279.84 feet in a northeasterly direction; thence, turning an angle of 90 degrees to the right, 1.62 feet in a southeasterly direction along a straight line to intersection with the arc of a curve turning to the right in a northeasterly direction and having a radius of 936.37 feet, said arc of said curve being subtended by a chord 53.69 feet in length and said chord forming an angle of 85 degrees and 6 minutes to the left from said straight line; thence in a northeasterly direction along said arc of said curve 53.81 feet to intersection with a straight line, said straight line forming an angle of 85 degrees and 6 minutes to the right from said chord; thence in a southeasterly direction along said straight line 2102.58 feet; thence, turning an angle of 32 degrees and 28 minutes to the left, 361.21 feet in an easterly direction to intersection with the eastern boundary of the west half of southeast quarter of section 1, township 18 south, range 4 west; thence turning an angle of 89 degrees and 31 minutes to the right, 1502.95 feet in a southerly direction along said eastern boundary to the northeast corner of the west half of east half of section 12, township 18 south, range 4 west; thence continuing in a southerly direction along said eastern boundary of said half-half section to the southeast corner thereof; thence in an easterly direction along the southern boundary of section 12, township 18 south, range 4 west, and also along the southern boundaries of sections 7, 8, 9, 10 and 11, township 18 south, range 3 west, to intersection with the northwest boundary of right of way of the Birmingham Mineral Railroad; thence in a northeasterly direction along said northwest boundary of said right of way to intersection with the southern boundary of section 1, township 18 south, range 3 west; thence in an easterly direction along said southern boundary of said section 1 to point of beginning.

A. Clinton Decker.

July 9, 1919.

State of Alabama, }  
Jefferson County. }

Personally appeared before me the undersigned a notary public in and for the said county and State, Clyde Ennis, to me personally known, who being first duly sworn deposeth and says: That he is the publisher of the Fairfield Outlook, a newspaper of general circulation published weekly in the city of Fairfield, Alabama, and that the attached notice relative to a proposed change in the municipal boundary lines of the city of Birmingham, Alabama, was published in the said Fairfield Outlook on July 11th, 1919, and at weekly intervals for three consecutive weeks, viz.: July 18th, 1919, July 25th, 1919, and August 1st, 1919, and that the copy of the said notice relative to the said change in the boundary lines of the city of Birmingham attached hereto is a true and correct copy of same which appeared as published in the Fairfield Outlook as aforesaid, and that said publication was made without expense to the State of Alabama.

(Signed) Clyde Ennis.

Sworn to and subscribed to before me this the 5th day of August, 1919.  
(Seal)

(Signed) Arthur E. Eslinger,  
Notary Public.

Also:

Also (by request):

S. 459. To alter or rearrange the boundary lines of the city of Fairfield, Alabama.

Local Legislation.

(With notice and proof attached and herewith exhibited as follows:)

NOTICE.

Is hereby given that a bill will be introduced for passage at the present session of the Legislature of the State of Alabama, the substance of which is as follows:

A bill to be entitled an act to alter or re-arrange the boundary lines of the city of Fairfield, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the boundaries of the city of Fairfield in the county of Jefferson, State of Alabama, be and the same are hereby altered and re-arranged so as to include within the corporate limits of said city all of the territory lying within the county of Jefferson included within the boundaries herein set out, to-wit:

Begin at the northwest corner of section 12, township 18 south, range 4 west; thence in an easterly direction along the northern boundary of said section 12, 186.71 feet to intersection with the southeast boundary of land of the Birmingham Southern Railroad Company; thence, turning an angle of 57 degrees and 38 minutes to the left, 1570.83 feet in a northeasterly direction to the northern boundary of the southwest quarter of southwest quarter of section 1, township 18 south, range 4 west; thence, turning an angle of 122 degrees and 29 minutes to the left, 26.08 feet in a westerly direction along said northern boundary; thence, turning an angle of 122 degrees and 29 minutes to the right, 7208.7 feet in a northeasterly direction; thence, turning an angle of 104 degrees and 55 minutes to the left, 5.22 feet in a northwesterly direction; thence, turning an angle of 104 degrees and 55 minutes to the right, 279.84 feet in a northeasterly direction; thence, turning an angle of 90 degrees to the right, 1.62 feet in a southeasterly direction along a straight line to intersection with the arc of a curve turning to the right in a northeasterly direction and having a radius of 936.37 feet, said arc of said curve being subtended by a chord 53.69 feet in length and said chord forming an angle of 85 degrees and 6 minutes to the left from said straight line; thence in a northeasterly direction along said arc of said curve 53.81 feet to intersection with a straight line, said straight line forming an angle of 85 degrees and 6 minutes to the right from said chord; thence in a southeasterly direction along said straight line 2102.58 feet; thence, turning an angle of 32 degrees and 28 minutes to the left, 361.21 feet in an easterly direction to intersection with the eastern boundary of the west half of southeast quarter of said section 1; thence, turning an angle of 89 degrees and 31 minutes to the right, 1502.95 feet in a southerly direction along said eastern boundary to the northeast corner of the west half of east half of said section 12; thence in a southerly direction along the eastern boundary of said half-half section to the southeast corner thereof; thence continuing in a southerly direction along the eastern boundary of the northwest quarter of northeast quarter of section 13, in said township and range, to the southeast corner thereof; thence in a westerly direction along the southern boundary of said quarter-quarter section and also along the southern boundary of the north half of northwest quarter of said section 13 to the southeast corner of the north-half of north half of section 14, in said township and range; thence in a westerly direction along the southern boundary of said north half of north half of said section 14, 3145.58 feet to intersection with the southeast boundary of right of way for the Possum Valley Public Road; thence, turning an angle of 136 degrees and 37 minutes to the right, 611.9 feet in a northeasterly direction along said southeast boundary of said section 12; thence, of beginning of a straight line tangent



ing to the left and having a radius of 1477.69 feet, said southeast boundary of said right of way being tangent to said arc of said curve, said arc of said curve being subtended by a central angle of 14 degrees and 40 minutes and having a tangent distance of 190.16 ft.; thence in a northeasterly direction along said arc of said curve 378.26 ft. to point of beginning of a straight line tangent to said arc; thence in a northeasterly direction along said straight line 293.04 feet to point of beginning of the arc of a curve turning to the right and having a radius of 1417.69 feet, said straight line being tangent to said arc of said curve, said arc of said curve being subtended by a central angle of 12 degrees and 58 minutes and having a tangent distance of 161.11 feet; thence in northeasterly direction along said arc of said curve 320.84 feet to point of beginning of a straight line tangent to said arc thence in a northeasterly direction along said straight line 1872.96 feet to point of beginning of the arc of a curve turning to the left and having a radius of 5744.63 feet, said straight line being tangent to said arc of said curve, said arc of said curve being subtended by a central angle of 3 degrees and 54 minutes and having a tangent distance of 195.61 feet; thence in a northeasterly direction along said arc of said curve 391.02 feet to point of beginning of the arc of a curve turning to said arc; thence in a northeasterly direction along said straight line 759.16 feet to intersection with the western boundary of said right of way to point turning an angle of 41 degrees and 16 minutes to the left, 3260.88 feet in a northerly direction along said western boundary to point of beginning.

A. Clinton Decker.

State of Alabama, }  
Jefferson County. }

Personally appeared before me, the undersigned a notary public in and for the said county and State, Clyde W. Ennis to me personally known, who being first duly sworn, depose and says: That he is the publisher of the Fairfield Outlook, a newspaper of general circulation published weekly in the city of Fairfield, Alabama; that the attached notice relative to a proposed change in the municipal boundary lines of the said city of Fairfield, Alabama, was published in the Fairfield Outlook on July 11th, 1919, and at weekly intervals thereafter for three consecutive weeks, July 18th, 1919, July 25th, 1919 and August 1st, 1919, and further that the copy of the said notice relative to a proposed change in the boundary lines of the city of Fairfield is in all respects a true and correct copy of the notice that was published as aforesaid, and that said publication was made without expense to the State of Alabama.

(Signed) Clyde W. Ennis.

Sworn to and subscribed before me this the 5th day of August, 1919.

(Signed) Arthur G. Esslinger,  
N. P.

Also:

By Mr. Baker:

S. 460. To permit physicians who have graduated regularly in schools of medicine and who have served as physicians or surgeons in foreign countries in the late war with Germany to practice medicine without further examination or qualification.

Public Health.

#### REPORT OF COMMITTEE.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the

following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDowell (with substitute):

S. 424. To permit bonds to be given for property seized under the prohibition act, pending appeals to the Supreme Court.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House bill:

H. 383. To provide for the general revenue of the State of Alabama.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 383. To the Committee on Finance and Taxation.

#### BILL RETURNED AND RE-REFERRED.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, to-wit:

S. 305. To prevent the unlawful search of the person, baggage and property of another, to prevent the use of evidence obtained by an unlawful search and to prescribe punishment for persons and officers violating the provisions of the act.

And the President Pro Tem and presiding officer of the Senate thereupon re-referred said bill to the Standing Committee on Revision of Laws.

#### RESOLUTIONS.

Mr. McDowell offered the following joint resolution:

S. R. 100. Whereas, the House of Representatives of this Legislature is transmitting to the Senate the revenue bill originating with, and passed by it, which is to be considered for passage by the Senate.

Whereas, in the campaign in which the members of this Senate were elected, it was fully understood by the people in the respective districts that the senators elected were to abolish,

rather than create offices, to inject into the affairs of State needed reforms in its business affairs, as would enable it to pay off its indebtedness, and especially was it understood that at this time of unrest in the State's affairs taxes were not to be raised.

And whereas, the people of Alabama have been patriotic and have gone "over the top" in the several loan drives, Red Cross drives, Y. M. C. A. drives, and all the other causes that our great government has called upon our people to respond, and have been called upon to pay, and considering the high cost of living and the generous responses to the large cause that our several churches have made upon us, our people are taxed to the limit in taking care of their present expenses, paying their just debts, and meeting their obligations.

And whereas, while we are all much interested in the great cause of education, we know that the three mill tax now enforced in this State enables the common schools to give our children an education, and that there is no cause for an immediate raise in our present tax rate, but, on the other hand, our State's receipts is much larger than its expenses.

And whereas, the people of Alabama are greatly alarmed, and have good cause to be, over the excessive appropriation proposed by this Legislature, and view with just concern, the great increase in taxes proposed to be placed upon them by a Legislature entrusted in good faith not to increase taxes.

And whereas, it is the desire of the Senate with their campaign promises in mind, to keep faith with our citizens and carry out the pledges made, and that are now expected of the Senate.

Therefore, be it resolved by the Senate, That the Senate Finance and Taxation Committee, in the consideration of the revenue bill kept in mind the conditions above set forth, and so amend the proposed revenue bill as it will be in keeping of what the citizens and tax payers of Alabama have a right to expect of this Senate, and that the said committee report such amendments to the bill, as that it will reduce the proposed increase in taxes, and that will enable the Senate to agree to such appropriations as was made by the last Legislature.

Which was read and referred to the Standing Committee on Rules.

Mr. Phillips offered the following resolution:

S. J. R. 101. Resolved by the Senate, the House concurring, That the House be, and it is hereby, requested to return to the Senate for correction and amendment, the bill:

S. 291. To require the court of county commissioners, board of revenue or other governing body of the county, to erect sign

boards at the intersection or crossing points of all roads and prescribing a penalty for the failure to perform said duty.

Which was, under a suspension of the rules, adopted and ordered sent forthwith to the House without engrossment.

Mr. Rogers of Sumter offered the following resolution:

S. J. R. 102. Whereas, the Sumter county chapter of the Daughters of the American Revolution wrote to every man of Sumter county who was in the active service of his country in the war which America waged on Germany, not for conquest, for **national aggrandizement**, nor for greed, but in defense of the oppressed peoples of the world, and to preserve the things which we, as a nation hold divine, the jurity of woman, the innocence of the child, the sanctity of the home, the honor of men, the sacred nature of covenants of liberty, equality and fraternity, "Let us know what you want and you shall have it," and

Whereas, this chapter is now getting from these men an account through letters of their personal experiences in this great world conflict, and because the preservation of these letters will be a distinct contribution to the history of the nation, and be of great service to future generations in destroying bigotry, sectionalism and selfishness, and in inspiring a spirit of service and of sacrifice, now, therefore,

Be it resolved, that the director of the Alabama State department of archives and history be requested to secure from the Sumter county chapter of the Daughters of the American Revolution, copies of these letters written them by soldiers and sailors of Sumter county, and when these letters have been obtained by him that he shall have them bound in book form, that he shall send one of these books to the Sumter county chapter of the Daughters of the American Revolution and keep the others in the department of archives and history.

Which was, under a suspension of the rules, adopted and ordered sent forthwith to the House without engrossment.

Mr. Rogers of Sumter offered the following Senate resolution:

S. R. 103. Resolved, by the Senate, that the Secretary be authorized to have printed for the use of the Senate, 1,000 copies of H. 383, known as the general revenue bill.

Which was, under a suspension of the rules, adopted.

Mr. Briscoe offered the following resolution:

S. J. R. 104. Whereas, a large aggregation of corporation lawyers and lobbyists from the Tennessee line to the Gulf of Mexico have swarmed the lobbies of the State Capitol and the hotels, since the Legislature convened on the eighth of July, 1919,

and have persistently importuned the members of the Legislature concerning measures in which they and their clients are financially interested.

Now, therefore, be it resolved by the Senate, That, to the end that the people of the State and members of the Senate may be fully advised as to what interests these attorneys and lobbyists represent, that each and every attorney, person, agent or lobbyist, of any partnership or corporation now or hereafter lobbying with members of the Senate shall, within twenty-four hours after the adoption of this resolution, file with the Secretary of the Senate and register therein, in a book to be provided for by the Secretary, his name, the name of the person, corporation or partnership he represents and what amount of money, if any, he has received or is to receive for his services. Such book shall at all times be open to the inspection of the public.

Which was read and referred to the Standing Committee on Rules.

Mr. Smith of Lawrence offered the following resolution:

S. J. R. 105. Whereas, the country is passing through a period of readjustment financially; and,

Whereas, there is a great probability that within the next four years conditions will again become normal, or, as they were in pre-war times; and,

Whereas, should such conditions obtain the purchasing power of the dollar will be restored; and,

Whereas, in our judgment there is no necessity for increase in salaries, nor, for the creation of additional offices; therefore be it

Resolved by the Senate of Alabama, the House concurring, That we go on record as opposed to any further increase in salaries and the creation of additional offices by the present Legislature and with the exception of any measure that may have had a favorable report in committee of either House.

Which was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR.

August 4, 1919.

*To the Gentlemen of the Senate:*

According to the provisions of section 62 of an act approved September 23, 1915 (Acts 1915, p. 764), the appointment of Brigadier-General, National Guard of Alabama, shall be made by the governor with the advice and consent of the Senate.

I, therefore, report to you, for your consideration and confirmation, the appointment of General Robert E. Steiner as Brigadier-General of the National Guard of Alabama.

Very truly yours,  
Thos. E. Kilby,  
Governor of Alabama.

## GOVERNOR'S MESSAGE.

On motion of Mr. McDowell, the appointment of General Robert E. Steiner as Brigadier General of the National Guard of Alabama, was confirmed by the Senate.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Acker	Cowan	Harper	Phillips
Baker	Craft	Huddleston	Prestwood
Beale	Ellis	Leith	Rogers (Sumter)
Redsole	Espy	Moore	Smith (Coosa)
Brown	Evins	Morris	Smith (Lawrence)
Butler	Griffith	McDowell	Tally
Carlton	Gunter	Nance	

—27

Nays:—None.

## REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has examined the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

S. 157. To repeal an act entitled, "An act to limit costs in civil suits other than unlawful detainer suits involving not more than fifty (\$50.00) dollars, brought or instituted in inferior courts located or established in counties having a population of not less than 80,000 or more than 100,000 thousand, according to the last Federal census or any subsequent Federal census," approved September 17th, 1915.

S. 218. To submit to the qualified electors of this State at a special election to be held at the call of the governor after ninety days from the final adjournment of this Legislature for their consideration of an amendment to the Constitution for the purpose of authorizing the State to establish and maintain a State highway system of public roads and bridges, to issue interest bearing bonds therefor, to authorize the levy and collection of automobile or other motor driven vehicle taxes by the State for said purposes and to provide for the establishment and maintenance of said State highway system, public roads and bridges according to such regulations as the Legislature may have prescribed or may hereafter prescribe.

S. 242. To repeal an act entitled an act to declare the twelfth day of October a legal holiday, to be known as "Columbus Day," approved March 4th, 1911, Acts 1911, page 91.

S. 264. To amend section 4340 (2250) (2373) (2751) (2411) (2015) of the Code of 1907 of Alabama.

S. 266. To amend section 2 of an act to regulate and prescribe the manner of giving notice of any and all proceedings in the courts to non-residents of the State and county in which proceedings are pending, approved September 18th, 1915.

S. 316. To declare the force and effect of judgments and degrees of courts of record, insofar as they relate to matters of special or limited jurisdiction.

S. 323. To ratify, confirm, and validate the issuance of road improvement warrant No. 256 for work on the Peachtree road, by the court of county commissioners of Wilcox county, Alabama; and to ratify, confirm and validate all orders, decrees and contracts by said court of county commissioners necessary to authorize the legal issue of said warrants; and to authorize the treasurer of Wilcox county, Alabama, to pay the interest on said warrants according to its terms as same matures; and to authorize the treasurer of said Wilcox county to pay the principal on said warrant when same matures according to its terms.

S. 334. To provide for the registration and lien of judgments for the payment of money in all courts of the State of Alabama which are not courts of record.

S. 341. To require a copy of all pleadings in cases pending in the courts of this State at law or in equity to be served on opposing counsel.

S. 368. To provide for the establishment, maintenance, repair and regulations of public highways; including bridges and ferries, in St. Clair county.

S. 170. Authorizing and empowering any county in this State in which, or along the coast of which the tides ebb and flow, and any cities or towns, or other municipalities in any such counties, to own, construct, lease and operate electric street railways, interurban electric railways and electric lighting and power plants and hydro-electric power plants, and authorizing such counties and municipalities in this State to co-operate and combine and make contracts with each other and with municipalities in other states in the ownership, construction, leasing and operation of electric street railways, electric interurban railways and electric lighting and power plants and hydro-electric power plants; authorizing such counties and municipalities to acquire or lease existing interurban railways and street railways systems; authorizing such counties and municipalities to mortgage electric street railways and interurban railways and power plants and to pledge the revenues derived therefrom, and to issue bonds, secured by such mortgages and pledges; providing for a system

of allotting and prorating the cost of electric interurban railways; providing for the election of commissioners by such counties and municipalities to represent such counties or municipalities in the ownership, construction, leasing and management of interurban railways; providing that such commissioners shall keep a public record of their proceedings and publish the same, and providing for the exercise of the right of eminent domain by counties and municipalities or by commissioners representing them; and to provide for elections in counties and municipalities to decide whether they wish to adopt the privileges herein authorized.

S. 315. To fix and provide for the payment out of the county treasury the salary of the deputy solicitor for Cullman county, Alabama, and to repeal all laws and parts of laws in conflict herewith.

S. 318. To authorize and require courts of this State to take judicial notice of laws of sister states in all cases in which such laws are material or relevant to a decision in any case or proceeding pending in the courts of this State.

S. 320. To designate the persons who are authorized to purchase, have shipped from outside of the State, receive, accept delivery of, possess and use wines for sacramental or religious purposes; and to prescribe the procedure for procuring and having the same shipped from outside of the State.

S. 321. To amend section 13 of an act entitled, "An act to further suppress the evils of intemperance; to restrict the receipt, possession and delivery of spirituous, vinous, malted, fermented or other intoxicating or prohibited liquors and beverages and fixing punishment and penalties," approved January 25th, 1919.

S. 324. To repeal section seven of an act Acts 1892-93 to regulate the fine and forfeiture fund of Wilcox county, and the payment of claims against said fund and to provide funds for the payment of said claims.

S. 326. To authorize counties benefited thereby to join in the expense of building, operating and maintaining a bridge or bridges, highway or highways even though only a part or no part of such bridge or bridges, highway or highways may be located in such counties.

S. 332. To amend an act entitled, "An act to regulate the employment of minor children within the State of Alabama; to prohibit the employment of minors under certain conditions; to provide for the inspection, and regulation of establishments, occupations, places and premises where minors are employed; to entrust the enforcement of the provisions of this act to the State



prison inspector; to punish violations of this act," and approved February 24, 1915.

S. 335. To permit all persons being tried for misdemeanor cases, to have the right to be tried by jury.

S. 338. To give a right of action in favor of any party to whom an abusive, obscene or insulting letter or other written or printed communication is sent, against the writer and sender thereof, whether any publication thereof has been made or not, and to provide for the recovery of damages in such action.

S. 348. To establish a commission for the promotion of uniformity in State legislation and to prescribe its duties.

S. 356. To make the clerk of the circuit court of Cullman county, Alabama, ex-officio clerk of the county court of said county and to define his duties and to provide for his fees and compensation.

S. 367. To provide for the payment and retirement of claims against the fine and forfeiture fund of Cullman county, Ala.

S. 55. To create a State highway department; to define its powers and duties; to authorize State aid in the construction and maintenance of public roads and bridges; to create a State highway fund and to provide for its expenditure; to impose certain duties upon county and municipal officials and to provide a penalty for their failure to discharge same; to authorize the State highway department to work State convicts upon public roads and bridges; to assent to the act of Congress approved July 11, 1916, known as the "Federal aid law" and to authorize the State highway department to cooperate with the United States government in the construction and maintenance of rural post roads; and to repeal the act approved April 5, 1911, entitled "An act to provide for the creation of a State highway commission," defining its powers, duties and compensation, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources.

S. 154. To designate a certain public road of the State of Alabama as a State trunk road and to provide the manner in which such road shall be located, improved and maintained.

S. 217. In reference to the removal of administrators from the State.

S. 263. Providing that mortgages on personal property in this State shall cover only such property as is described or attempted to be described and written into the mortgage at the time of its execution in handwriting or with typewriter, except as to mortgages of two thousand dollars or more.

S. 265. To amend section 3170 of the Code of Alabama.

S. 273. To amend section 3993 of the Code of Alabama of 1907, such section being erroneously numbered 2993 on page 633 of the Civil Code of Alabama of 1907.

S. 281. To amend section 2593 of the Code of Alabama.

S. 307. To designate a certain public road of the State of Alabama as a State trunk road and to provide the manner in which such road shall be located, improved and maintained and to make its establishment imperative.

S. 347. To amend section (3) of an act entitled, "An act to create and establish the office of general guardian ad litem in all counties of sixty thousand (60,000) population and not exceeding eighty-two thousand (82,000) population according to the last Federal census; to prescribe his duties and qualifications; to provide for his appointment and to fix his compensation and term of office; to provide for the appointment of a guardian ad litem in cases where the general guardian ad litem is disqualified or where the interest of the infants interested in the case are antagonistic or conflicting; and to provide a penalty for wrongfully appointing such guardian ad litem," approved March 22nd, 1911, as amended by an act approved July 27th, 1915.

S. 375. To provide for the acquirement, construction, ownership, lease, maintenance, use, control, and operation by counties of Alabama which have or which shall have taxable property in such counties of one hundred millions of dollars annually, or more, according to the assessments by such counties for the year 1918 A. D., or according to the annual assessment to be hereafter made, of highways, of railroads, by any kind of motive power; freight stations; passenger stations; wharves; piers; docks; ware houses; grain elevators; storage tanks; team trucks; and all other facilities and structures appurtenant thereto, by the issue of bonds, not exceeding one per cent, in addition to the limit of county indebtedness, of such taxable property in such counties; the holding of elections to decide whether such counties shall issue such bonds; to authorize the county internal improvement commission, a county agency, to sell said bonds and to account to the board of revenue therefor of the county; to levy and collect a special tax not exceeding twenty cents on each one hundred dollars of taxable property, to be in addition to the maximum rate prescribed; exemption from State, county and municipi-

pal taxation of such bonds; to become effective upon ratification of an amendment to the Constitution of Alabama; and same power to new counties formed from such counties.

S. 376. To authorize and empower all counties of Alabama which have or shall have taxable property in such counties of one hundred million of dollars annually, or more, according to any annual assessment to be made thereafter, to acquire, construct, purchase, own, lease, maintain, use, control, and operate highways, railroads, and terminals and all facilities and structures appurtenant thereto; for the performance of the obligation of warehousemen and common carrier in aid of commerce; to establish reasonable charges for such service; within its own territory; or across, on or through adjacent counties; to establish a commission as a county agency for the performance of this authority and power; to purchase and condemn private property for the above purpose; to dispose of net profits from the operation of the facilities herein described; that private capital shall not be prevented from engaging in the same enterprise; that the power and authority herein described shall become effective immediately upon the ratification of an amendment to the Constitution of Alabama.

S. 377. To authorize cities and towns of over five thousand population according to the last Federal census or which shall have such population according to any Federal census taken thereafter, and situated in counties which have or which shall have annually taxable property in such counties of one hundred millions of dollars or more according to the assessment by such counties for the year A. D. 1918, or according to any annual assessment hereafter made to acquire, construct, purchase, maintain, own, lease, use, control and operate and to grant public money and things of value in aid of railroads, by any kind of motive power and terminal facilities and other structures appurtenant thereto, in aid of commerce and the transportation of passengers, within, across in or through the territory of such counties in which such cities and towns are situated or adjacent counties, and to issue bonds, grant money and property to carry into execution these powers.

S. 403. To amend section 1 of "An act to provide for the more efficient working of the public roads of Mobile county, and certain streets and public thoroughfares in the city of Mobile; provide for the control, working, building, maintenance and improvement of the same by the board of revenue and road commissioners of Mobile county; to prescribe the duties and fix the authority of said board; to provide for the levy and collection of a road tax, and the method of disbursing moneys necessary to carry out the

provisions of this act and provide penalties for violation of its provision," which act was approved August 2nd, 1907.

R. B. Evins,  
Chairman.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bills, your signature thereto is requested:

H. 493. To amend section 6 of an act entitled, "An act to provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty (30) cents on each one hundred (\$100) dollars worth of taxable property in such county; to authorize any school district in any county that may be levying special county taxes for school purposes of not less than thirty (30) cents on each one hundred dollars (\$100) worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100) worth of taxable property in such school district; and to authorize boards of education to issue interest-bearing warrants to erect, repair and equip school buildings, and to otherwise improve school facilities," approved February 13, 1919.

Also:

H. 483. To provide for the appointment of an assistant solicitor for each judicial circuit in the State composed of one county with three circuit judges; to fix the term of said office; to prescribe the duties and authority of said assistant solicitor, and to fix his compensation.

Also:

H. 550. To amend an act entitled, "An act to regulate the charging of fees and furnishing information within the several departments of the State, and to provide for the covering into the State treasury of such fees," approved September 29th, 1915.

Also:

H. 104. To repeal section 6698 of the Code of Alabama of 1907, and to make the clerks of the circuit courts of the respective counties ex-officio clerks of the county courts of said counties; to provide payment for services of such clerks, manner of payment and to provide for a bond as such clerk.

Fred H. Gormley,  
Clerk.

SIGNING OF BILLS.

The President Pro Tem of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed

with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

H. 493. To amend section 6 of an act entitled, "An act to provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty (30) cents on each one hundred (\$100) dollars worth of taxable property in such county; to authorize any school district in any county that may be levying special county taxes for school purposes of not less than thirty (30) cents on each one hundred dollars (\$100) worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100) worth of taxable property in such school district; and to authorize boards of education to issue interest-bearing warrants to erect, repair and equip school buildings, and to otherwise improve school facilities;" approved February 13, 1919.

H. 483. To provide for the appointment of an assistant solicitor for each judicial circuit in the State composed of one county with three circuit judges; to fix the term of said office; to prescribe the duties and authority of said assistant solicitor, and to fix his compensation.

H. 550. To amend an act entitled, "An act to regulate the charging of fees and furnishing information within the several departments of the State, and to provide for the covering into the State treasury of such fees," approved September 29th, 1915.

H. 104. To repeal section 6698 of the Code of Alabama of 1907, and to make the clerks of the circuit courts of the respective counties ex-officio clerks of the county courts of said counties; to provide payment for services of such clerks, manner of payment and to provide for a bond as such clerk.

#### BILLS ON THIRD READING.

The bill:

S. 267. To amend section 1 of an act entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained, approved September 10, 1915.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Acker	Bedsole	Cowan	Espy
Baker	Briscoe	Craft	Evins
Beale	Brown	Ellis	Griffith

Harper	Miller	Nance	Smith (Coosa)
Huddleston	Moore	Phillips	Smith (Lawrence)
Kelly	Morris	Prestwood	Tally
Leith	McDowell	Rogers (Sumter)	West

—28

*Nays*:—None.

The bill:

H. 275. To provide for the fencing or closing in of unused wells, cisterns, or mining shafts in this State.

Was read a third time at length and passed.

Yeas, 26; nays, 1.

*Yeas*:

Messrs:

Baker	Craft	Leith	Prestwood
Beale	Ellis	Miller	Sims
Bedsole	Espy	Moore	Smith (Coosa)
Briscoe	Evins	Morris	Smith (Lawrence)
Brown	Griffith	Nance	Tally
Carlton	Gunter	Phillips	West
Cowan	Harper		

—26

*Nays*:

Mr. Acker—1.

The bill:

H. 37. To amend section two of an act entitled, "An act to create a lien in favor of any laborer or employee of any person, firm, or corporation engaged in getting, cutting, rafting, shipping, hauling, or manufacturing of timber, lumber, or cross-ties, and to provide for its enforcement," approved September 10th, 1915.

Was read a third time at length and lost.

Yeas, 10; nays, 22.

*Yeas*:

Messrs:

Acker	Brown	Leith	Prestwood
Baker	Harper	Nance	West
Bedsole	Huddleston		

—10

*Nays*:

Messrs:

Beale	Ellis	Miller	Rogers (Sumter)
Briscoe	Espy	Moore	Sims
Butler	Evins	Morris	Smith (Coosa)
Carlton	Griffith	McDowell	Smith (Lawrence)
Cowan	Gunter	Phillips	Tally
Craft	Kelly		

—22

The bill:

S. 229. To amend section one of an act entitled, "An act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved, and maintained," approved September 10th, 1915.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Acker	Carlton	Kelly	Prestwood
Baker	Cowan	Miller	Rogers (Sumter)
Beale	Craft	Moore	Sims
Bedsole	Ellis	Morris	Smith (Coosa)
Briscoe	Evins	McDowell	Smith (Lawrence)
Brown	Gunter	Nance	Tally
Butler	Harper	Phillips	West

—28

Nays:—None.

The resolution:

S. J. R. 77. Requesting our senators and representatives in Congress to support legislation providing for the early return of the transportation systems to their owners.

Was read a third time at length and adopted.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Acker	Carlton	Gunter	Nance
Baker	Cowan	Harper	Phillips
Beale	Craft	Kelly	Prestwood
Bedsole	Ellis	Miller	Smith (Coosa)
Briscoe	Espy	Moore	Smith (Lawrence)
Brown	Evins	Morris	Tally
Butler	Griffith	McDowell	West

—28

Nays:—None.

The bill:

H. 182. To prohibit the keeping, exhibiting or operating of pool or billiard tables, on which the public can play, outside incorporated cities and towns having a police force.

Was taken up.

Mr. Acker offered the following amendment to said bill:

Amend H. 182 by adding at the end of said bill the following words, viz:

And provided also, that it shall not apply to pool or billiard tables kept or operated at any military camp of the United States or within one-fourth of a mile of such military camp.

Mr. Acker offered the following amendment to said amendment previously offered by him, to-wit:

Amend the amendment offered by Senator Acker by adding thereto the following:

And provided further, that this act shall not apply to pool or billiard tables kept or operated at any nitrate plant or on any land acquired and held by the United States.

Which was adopted.

Yeas, 22; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Harper	Nance
Beale	Craft	Kelly	Prestwood
Bedsole	Espy	Moore	Smith (Lawrence)
Briscoe	Evins	Morris	Tally
Butler	Griffith	McDowell	West
Carlton	Gunter		

—22

*Nays:*—None.

And the said first amendment offered by Mr. Acker as thus amended was then adopted.

Yeas, 26; nays, 1.

*Yeas:*

Messrs:

Acker	Craft	Kelly	Nance
Beale	Ellis	Leith	Phillips
Bedsole	Espy	Miller	Smith (Coosa)
Briscoe	Evins	Moore	Smith (Lawrence)
Brown	Griffith	Morris	Tally
Butler	Gunter	McDowell	West
Carlton	Harper		

—26

*Nays:*

Mr. Baker—1.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 17; nays, 12.

*Yeas:*

Messrs:

Acker	Craft	Miller	Prestwood
Beale	Griffith	Morris	Smith (Coosa)
Bedsole	Harper	Nance	Smith (Lawrence)
Briscoe	Kelly	Phillips	West
Butler			

—17

*Nays:*

Messrs:

Baker	Ellis	Huddleston	Rogers (Sumter)
Carlton	Evins	Moore	Sims
Cowan	Gunter	McDowell	Tally

—12



The bill:

S. 216. To promote the sale of farm loan bonds issued by the Federal land banks organized under the provisions of the farm loan act.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Acker	Craft	Morris	Rogers (Sumter)
Baker	Ellis	Moore	Sims
Beale	Evins	Morris	Smith (Coosa)
Bedsole	Griffith	McDowell	Smith (Lawrence)
Butler	Gunter	Nance	Tally
Carlton	Harper	Phillips	West
Cowan	Kelly		

—26

Nays:—None.

The bill:

S. 417. To designate a certain public road of Alabama as a State trunk road.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs:

Acker	Gunter	Morris	Sims
Baker	Harper	Nance	Smith (Coosa)
Bedsole	Huddleston	Phillips	Smith (Lawrence)
Butler	Miller	Prestwood	Tally
Evins	Moore	Rogers (Sumter)	West
Griffith			

—21

Nays:—None.

The bill:

S. 387. To legalize and validate bonds issued, and authorized by election to be issued, by cities having a population of less than six thousand inhabitants.

Was read a third time at length and passed.

Yeas, 22; nays, 2.

Yeas:

Messrs:

Baker	Ellis	Leith	Rogers (Sumter)
Beale	Evins	Miller	Smith (Coosa)
Bedsole	Griffith	Moore	Smith (Lawrence)
Butler	Gunter	Morris	Tally
Carlton	Harper	McDowell	West
Cowan	Kelly		

—22

Nays:

Messrs:

Phillips	Prestwood
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—2

The bill:

S. 393. To regulate the fine and forfeiture fund of Pike county, Alabama, and provide for the registration and payment of claims against said fund.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Baker	Ellis	Kelly	Prestwood
Beale	Espy	Leith	Sims
Bedsole	Evins	Miller	Smith (Coosa)
Butler	Griffith	Moore	Smith (Lawrence)
Carlton	Gunter	Morris	Tally
Cowan	Harper	Phillips	West
Craft			

—25

Nays:—None.

The bill:

S. 392. To provide for the payment of witnesses before the grand juries, and State witnesses in all criminal cases, and the fees and commissions of the sheriff and clerks of the circuit court and ex-officio clerk of the county court of Pike county, Alabama, in all criminal cases in which the State fails to convict, out of the general fund of said county.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Baker	Craft	Harper	Prestwood
Beale	Ellis	Kelly	Sims
Bedsole	Espy	Leith	Smith (Coosa)
Butler	Evins	Miller	Smith (Lawrence)
Carlton	Griffith	Morris	Tally
Cowan	Gunter	Nance	West

—24

Nays:—None.

The bill:

S. 420. To exempt from service on the public roads and streets of any incorporated city or town all persons who served in the United States in the army, navy, or marine service in the war with Germany.

Was read a third time at length and passed.

Yeas, 14; nays, 7.

Yeas:

Messrs:

Baker	Huddleston	Nance	Smith (Lawrence)
Craft	Leith	Phillips	Tally
Ellis	Morris	Prestwood	West
Harper	McDowell		

—14

*Nays:*

*Messrs:*

Bedsole	Carlton	Kelly	Smith (Coosa)
Butler	Griffith	Miller	

—7

The bill:

S. 408. To amend section 13 of an act entitled an act to provide for the better construction, repairing, working, and maintaining of public roads and bridges in Talladega county, Alabama, approved March 15, 1911, and to amend said section 13 of said act as amended by act of the Legislature approved July 17, 1915, so as to make the same read as follows, to-wit:

Was read a third time at length and passed.

Yeas, 24; nays, 0.

*Yeas:*

*Messrs:*

Baker	Craft	Leith	Prestwood
Beale	Ellis	Miller	Sims
Bedsole	Griffith	Morris	Smith (Coosa)
Butler	Harper	McDowell	Smith (Lawrence)
Carlton	Huddleston	Nance	Tally
Cowan	Kelly	Phillips	West

—24

*Nays:*—None.

The bill:

S. 416. To designate a certain public road of Alabama as a State trunk road, and to provide the manner in which said road shall be improved and maintained.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

*Yeas:*

*Messrs:*

Acker	Carlton	Griffith	Nance
Baker	Cowan	Harper	Phillips
Beale	Craft	Huddleston	Smith (Coosa)
Bedsole	Ellis	Leith	Smith (Lawrence)
Briscoe	Espy	Miller	Tally
Butler	Evins	Morris	West

—24

*Nays:*—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Merritt:

H. J. R. 109. Resolved by the House, the Senate concurring, That when the two houses adjourn this afternoon they adjourn until Thursday at 10 o'clock A. M.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

Mr. Leith offered the following amendment to H. J. R. 109, set out in the foregoing message from the House, to-wit:

Amend resolution by inserting the word Friday in lieu of Thursday.

Which was adopted.

And said resolution, as thus amended, was adopted.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate amendment to H. J. R. 109, relative to adjournment, said amendment changing the date of adjournment until Friday, August 8th, 1919.

Fred H. Gormley,  
Clerk.

#### RESOLUTION.

Mr. McDowell offered the following resolution:

S. J. R. 106. Be it resolved by the Senate, That the revenue bill be not reported by the Finance and Taxation Committee of this Senate until it is printed and delivered to this Senate, but that the committee hear argument for or against the bill at any time.

Which was, under a suspension of the rules, adopted.

Mr. Gunter offered the following Senate resolution:

S. R. 107. Resolved, That Senate bills Nos. 157 and 158 be recalled from the House of the Legislature for further consideration of the Senate.

Which was, under a suspension of the rules, adopted.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown, and as amended has passed:

S. 53. Prescribing the liability of an employer to make compensation by way of damages for injuries received by an employee occasioned by an accident proximately resulting from and while engaged in the actual performance of the duties of his employment and from a cause originating in such employment and providing for the enforcement of same, modifying common

law and statutory remedies, in such cases; establishing an alternative elective schedule of compensation, regulating procedure for the determination of liability and compensation thereunder in certain cases, and prescribing penalties for the violation thereof; and providing for attorney's fees and for medical and surgical services.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Leith, the Senate concurred in the following amendments by the House to Senate bill No. 53, the title of which is set out in the foregoing message from the House, to-wit:

Amend Senate bill No. 53:

By striking therefrom wherever they occur therein the following words, "proximately resulting from and while engaged in the actual performance of the duties of his employment and from a cause originating in such," and by inserting in lieu thereof wherever such words are stricken the following words, "arising out of and in the course of his."

And by inserting before the word "misconduct" where it appears in lines 1 and 5 on page 2 the word "willful."

#### 2.

Amend section 8 so that the same shall read as follows:

8. Not applicable to certain employments.—This act shall not be construed or held to apply to any common carrier (doing an interstate business) while engaged in interstate commerce, or to domestic servants, farm laborers or persons whose employment at the time of the injury is casual, and not in the usual course of the trade, business, profession or occupation of the employer, or to any employer who regularly employs less than sixteen employees in any one business or to any county, city, town, village or school district. Provided, however, that any employer who regularly employs less than sixteen employees in any one business or any county, city, town, village or school district may accept the provisions of this act by filing written notice thereof with the probate judge of each county in which said employer is located or does business, said notice to be recorded by the judge of probate, for which he shall receive the usual fee for recording conveyances, and copies thereof to be posted at the places of business of said employers and provided further, that said employers who have so elected to accept the

provisions of this act may at any time withdraw the acceptance by giving like notice of withdrawal. Provided further that in no event nor under any circumstances shall this bill apply to farmers or their employees.

And amend section 9 so that the same shall read as follows:

9. Agreement to be subject to provisions.—If both employer and employee shall by agreement expressed or implied or otherwise as herein provided become subject to part 2 of this act, compensation, according to the schedules hereinafter contained, shall be paid by every such employer in every case of personal injury or death of his employee caused by an accident proximately resulting from and while engaged in the actual performance of the duties of his employment and from a cause originating in such employment, without regard to any question of negligence, except no compensation shall be allowed for an injury or death caused by the willful misconduct of the employee or by the employee's intention to bring about the injury or death of himself or of another or due to his own intoxication or his willful failure or willful refusal to use safety appliances provided by the employer or due to the willful refusal or willful neglect of the employee or servant to perform a statutory duty or due to any other willful violation of the law by the employee or his willful breach of a reasonable rule or regulation of his employer of which rule or regulation the employee has knowledge. If the employer defends on the ground that the injury arose in any or all of the last above stated ways the burden of proof shall be on the employer to establish such defense.

Amend section 30 so that beginning on line 13 with the words, "Every insurance corporation" and ending on line 24 with the words, "Insurance commissioner," shall read as follows:

Every insurance corporation, mutual corporation, reciprocal exchange or association authorized to transact the business of workmen's compensation insurance in this State and which insures employers against liability for compensation under the provisions of this act shall file with the insurance commissioner its classification of risks and premiums relating thereto and any subsequent proposed classification of risks and premiums, together with the basic rates and merit rating schedules, if a system of schedule-rating or merit rating be used by such insurance corporation, exchange or association, none of which shall take effect until the insurance commissioner shall have approved the same as reasonable, adequate and not excessive. And within ten days after such approval of said rates, schedules and system of schedule merit rating by said insurance commissioner, he shall make or cause to be made, a sufficient number of printed or

typewritten copies of same, for such purpose, and shall mail at least one copy of each of same to every insurance carrier writing workmen's compensation business in the State of Alabama, at its last address, or at the last address of its designated agent to recover the same, left in writing by such carrier with such insurance commissioner.

Amend section 7 to read as follows:

7. Legal services.—No part of the compensation payable under this act shall be paid to attorneys for the claimant for legal services unless the application of a claimant to a judge of the circuit court such judge shall order or approve of the employment of an attorney by the claimant, and in such event the judge upon the hearing of the petition for compensation shall fix the fee of the attorney for the claimant for his legal services, and the manner of its payment, but such fee shall not exceed ten (10%) of the compensation awarded or paid.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Acker	Cowan	Kelly	Prestwood
Baker	Craft	Leith	Rogers (Sumter)
Beale	Ellis	Miller	Sims
Bedsole	Espy	Morris	Smith (Coosa)
Briscoe	Griffith	McDowell	Smith (Lawrence)
Brown	Gunter	Nance	Tally
Butler	Harper	Prestwood	West
Carlton	Huddleston		

—30

Nays:—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 83. To regulate the right to carry a pistol in the State.

Fred H. Gormley,  
Clerk.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the amendments proposed by His Excellency, the governor, to the bill:

S. 168. To amend sections 8 and 10 of an act entitled, "An act to regulate the fine and forfeiture of Cullman county, and to provide for the registration and payment of claims against said fund," approved September 25, 1915.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the conference report on the disagreement of the two houses to the House amendment to the bill:

S. 96. To amend section twelve of an act to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same; and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate amendments to the bill:

H. 182. To prohibit the keeping, exhibiting or operating of pool or billiard tables on which the public can play outside incorporated cities and towns having a police force.

Fred H. Gormley,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 270. To authorize the court of county revenues of Dallas county to issue interest-bearing warrants or certificates to holders of claims against Dallas county contracted prior to July, 1918, and ratifying and confirming the action of said court of county revenues in authorizing the issuance of certain interest-bearing warrants prior to July 1st, 1918, and validating the warrants issued for certain purposes.

S. 277. To prohibit live stock from running at large after January 1st, 1920, in all counties having a population of not less than thirty thousand nine hundred and not exceeding thirty thousand nine hundred and seventy-five, according to the last or any subsequent Federal census, to provide for its enforcement and fix penalties for its violation.



S. 160. To prescribe the qualifications, duties and compensation of coroners in counties of this State of 200,000 inhabitants or more according to the last Federal census or any subsequent Federal census who may be hereafter elected and to provide for a deputy or an assistant coroner and to define and prescribe the powers and duties of such deputy or assistant, and to provide for the employment of a competent physician at any inquest held by such coroner or such deputy or such assistant, and to define and prescribe his duties and to fix his compensation and to provide for the employment of stenographer by such coroners.

S. 220. To define the jurisdiction of justices of the peace and notaries public who are ex-officio justices of the peace in precinct one in Cullman county, and to provide for the services of process from their courts.

S. 312. To require the city of Mobile to pay one-half of the annual expenses of the juvenile court of Mobile county and of the detention homes for delinquent juveniles of Mobile county, including the salary of the judge of said court, the salaries of the probation officer, the salaries of the superintendent, matron and other employees necessary for the care of the detention homes for juvenile delinquents of Mobile county and the expense of providing and maintaining of detention homes for juvenile delinquents of Mobile county.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### ADJOURNMENT.

At 5:45 P. M., on motion of Mr. Morris and pursuant to H. J. R. 109, the Senate adjourned until Friday morning, August 8, 1919, at 10 o'clock A. M.

## THIRTY-FOURTH DAY.

Friday, August 8, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

## PRAYER.

By Mr. Green, of the State Banking Department.

## ROLL CALL.

Present:

Messrs:

Acker	Cowan	Kelly	Prestwood
Baker	Craft	Leith	Rogers (Lauderdale)
Beale	Ellis	Miller	Rogers (Sumter)
Bedsole	Espy	Moore	Sims
Briscoe	Evins	Morris	Smith (Coosa)
Brown	Griffith	McDowell	Smith (Lawrence)
Butler	Gunter	Nance	Tally
Carlton	Huddleston	Phillips	West
Carmichael			

—33

## JOURNAL.

On motion of Mr. West, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Griffith:

S. 461. To designate a certain public road of Alabama as a State trunk road, and to provide the means by which such State trunk road shall be improved and maintained.

Public Roads and Highways.

Also:

S. 462. To amend section 7628 of the Code.

Judiciary.

By Mr. Tally:

S. 463. To fix the salary of the judge of the county court in all counties having a population of not less than 32,900 and not more than 33,000.

Local Legislation.

Also:

S. 464. To require the highway commission or highway department to locate, construct and maintain the State highways in Alabama so as to connect the several county seats and in the border counties to connect county seats of the several border counties at or about the State line with an improved road in the border states, and to require an equitable division of time, money and labor, in the prosecution of such work.

Public Roads and Highways.

By Mr. Rogers of Sumter:

S. 465. To amend section 4 of an act entitled, "An act for better construction, repairing, working and maintaining of the public roads and bridges in Sumter county," approved September 22nd, 1915.

Public Roads and Highways.

(With notice and proof attached and herewith exhibited as follows:)

#### NOTICE.

Notice is hereby given as provided by law that a bill will be introduced in the Legislature of Alabama, in substance as follows:

An act to amend section 4 of an act entitled "an act for better construction, repairing, working and maintaining of the public roads and bridges in Sumter county," approved September 22nd, 1915.

Be it enacted by the Legislature of Alabama, That section 4 of an act entitled an act for better construction, repairing, working and maintaining of the public roads and bridges in Sumter county, approved September 22nd, 1915, be amended so as to read as follows:

Section 4: Be it further enacted, that all male inhabitants of said county over the age of eighteen years and under the age of fifty-five years, except those exempt by general law, shall be required to work on the public roads of said county for ten days of ten hours each, in each calendar year; provided the board of revenue or court of county commissioners may accept a money compensation for those liable to road duty in lieu of the ten days labor, in such amount and payable at such times as said board of revenue or court of county commissioners may prescribe, which shall be paid to the agent of said board of revenue or court of county commissioners, and said money when so collected shall be paid into the road fund of the county.

The State of Alabama, }  
Sumter County. }

Before me, T. V. White, a notary public in and for said State and county, personally appeared W. H. Lawrence, who being by me first duly sworn, deposes and says:

That he is the editor of the "Our Southern Home," a weekly newspaper published at Livingston, Sumter county, Alabama, that the attached notice of a bill proposed to be introduced in the Legislature of Alabama, was given by publication in said newspaper for four consecutive weeks, the dates of the publications containing said notice being as follows, viz.: July 2nd, 1919; July 9th, 1919; July 16th, 1919 and July 23rd, 1919; and that the

attached notice is the exact notice which appeared and was published in said paper for said four consecutive weeks as above set forth.

W. H. Lawrence,  
Editor "Our Southern Home."

Sworn to and subscribed before me this the 31st day of July, 1919.

T. V. White,  
Notary Public.

By Mr. Prestwood:

S. 466. To reapportion the representatives in the House of Representatives and in the Senate of the State of Alabama, in compliance with the requirements of the Constitution.

**Privileges and Elections.**

By Mr. Phillips:

S. 467. To provide for the election of a director of archives and history by the qualified electors of the State of Alabama, and to prescribe his term of office.

**Privileges and Elections.**

By Mr. Craft:

S. 468. To exempt all persons in the military and naval services of the United States from the payment of poll taxes during the period of such service.

**Privileges and Elections.**

By O. T. Smith:

S. 469. To authorize the creation of a State board of arbitration and local boards of arbitration, to define the powers and authority of such boards, to prescribe their duties, and to provide for the arbitration of grievances and controversies that may arise between employers and employees in this State.

**Judiciary.**

By Mr. Carmichael:

S. 470. To provide a complete educational system for the State of Alabama; to provide a public school fund; to provide for the administration of the public school and to create a State board of education and to prescribe its powers and duties; to make appropriations for elementary schools and other institutions of learning in the State, including the University of Alabama, Alabama Polytechnic Institute, Alabama Technical Institute for Women, Agricultural and Mechanical Institute for Negroes, Tuskegee Normal and Industrial Institute, State normal schools, State secondary agricultural schools, Northwest Alabama Agricultural and Industrial Institute, county high schools, Alabama School for Deaf, Alabama School for the Blind, Alabama School for Negro Deaf and Blind, Alabama Boys' Industrial School, Alabama Reform School for Juvenile Negro Law Breakers; to provide for the erection of certain necessary buildings and to make appropriations for the same; to create county and

city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses, including equipment and furniture; to provide for holding elections for the one mill county tax on each dollar of taxable property, under the Constitution of 1901; to provide for holding elections for county tax of three mills or less, on each dollar of taxable property, under the amendment to the Constitution of 1901; to provide for holding elections for district taxes of three mills or less, on each dollar of taxable property, prescribe the method of holding such elections; to prescribe the duties and powers of the State superintendent of education and to fix his compensation; to make appropriations for the State department of education and to define its duties and powers; to provide for the appointment of county superintendents of education, to define their powers and duties and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education and to define their powers and duties and to provide for their compensation; to provide for supervisors of schools in the various counties and cities and to fix their powers and duties and to provide for their compensation; to provide for a bonus fund for counties levying and collecting a special tax for school purposes and to fix the amount, proportioned upon the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State, within certain ages, and to fix penalties and provide for the appointment of attendance officers and to define their duties and fix their compensation, and to provide the method of enforcement of compulsory attendance within the ages prescribed; to provide for the certification of teachers, how such certificates may be obtained, the length of time they are to be in force and to provide appropriations for the necessary expenses of conducting teachers' examinations and issuing certificates and to provide the necessary clerical and other assistants in and about this business; to provide for the training of teachers in actual service and make appropriations for the expenses thereof; to provide pecuniary assistance for the erection, repair, and equipment of rural school houses throughout the State and to prescribe the methods and conditions under which such assistance may be obtained, and to make appropriations therefor; to provide for the sale and conveyance of certain lands which have been conveyed through the State for school purposes; to provide for rural libraries throughout the State, and to provide for rural libraries throughout the State, and to provide the method by which assistance to such rural libraries may be obtained, and to provide appropriations therefor; to provide for

vocational education and to make appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors and to make appropriations therefor; to provide uniform text books throughout the State and to create a State textbook committee and define its powers and duties; to provide for county high schools and to prescribe the conditions under which such county high schools may obtain assistance from the State, and to make appropriations therefor, and to provide that such county high schools may be assisted financially by county ~~boards of revenue or boards of education~~ or by municipalities, or by private agencies; to provide for county high school treasurers, to fix their bonds and prescribe their powers and duties and to provide for the payment of the premium upon their bonds; to provide for county treasurers of school funds, to fix their bonds and prescribe their powers and duties and to provide for the payment of the premium upon their bonds; to provide for the establishment of six State secondary agricultural schools, to provide the method of their location, to provide for their management and control, and to make appropriations therefor; to provide for certain State normal schools, to provide for their control and management and to make appropriations therefor, and to make special appropriations for certain buildings, improvements, and for the purchase of real estate and for the payment of certain indebtedness therefor; to make appropriations for the Tuskegee Normal and Industrial Institute, the Agricultural and Mechanical Institute for Negroes; to change the name of the school heretofore established at Montevallo as the "Alabama Girls' Industrial School," later known and called the "Alabama Girls' Technical Institute," to the name of the "Alabama Technical Institute for Women," to provide its powers and duties; to create a board of trustees for such institute, to prescribe their powers and duties and their methods of appointment and length of service, and to make appropriations therefor; to provide for the control and management of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees for such institute, the method of appointment of such trustees, and to make appropriations therefor; to provide for the control and management of the University of Alabama, to define the powers and duties of the board of trustees for such University, the method of appointment of such trustees, and to make appropriations therefor; to provide for the summer schools at the University of Alabama and to make appropriations therefor; to create a State council of education, to prescribe its powers and duties and to make appropriations therefor; to provide for the management and control of the Alabama Institute for the Deaf,

to create a board of trustees therefor and to provide for the method of their appointment and the length of service, and to provide appropriations therefor; to provide for the management and control of the Alabama Academy for the Blind, to create a board of trustees therefor and to provide for the method of their appointment and the length of service and to provide appropriations therefor; to provide for the management and control of the Alabama School for Negro Deaf Mutes and Blind, to create a board of trustees therefor and to provide for the method of their appointment and the length of service, and to provide appropriations therefor; to provide for the maintenance and establishment of the Alabama Boys' Industrial School, to provide for the management and control thereof and for the appointment of a board of directors, to define their powers and duties and the method of committing white boys thereto, and to make appropriations for such school; to provide for the maintenance and establishment of the Alabama Reform School for Juvenile Negro Law Breakers, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing negro boys thereto, and to make appropriations for such school; to provide for the lease and sale of school lands in this State; to provide for the abolishment of township lines for school purposes; to require private, denominational and parochial schools to make reports; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics and their effect upon the human system; to provide penalties for the violation of the provisions of this act, and to provide for the repeal of inconsistent laws heretofore enacted.

#### Education.

By Mr. Leith:

S. 471. To provide for working convicts on the State trunk highways of the State of Alabama, under the supervision of the State highway department in co-operation with the State convict department; to authorize the removal of all able-bodied convicts from under the lease system and place them on the trunk highways of the State; to make it unlawful to lease convicts to any person or corporation after the first day of January, 1923; to authorize and empower the State highway commission to purchase from the convict department or pay said convict department for the use or hire of said convicts at the current price for labor, to be determined by the governor; to authorize and require the convict department to make the necessary preparations for housing, caring for, guarding and incarcerating said convicts by

establishing permanent convict road camps in certain parts of the State of Alabama, and to provide such temporary or portable camps and equipment as may be necessary to successfully care for and maintain said convicts as may be worked on the public highways of this State.

Public Roads and Highways.

REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Griffith:

S. 440. To abolish the office of registrar of voters and electors in each county of the State, and to confer upon the register in chancery of each county all the power and authority now vested in the registrar relative to the registration of electors and voters, and to provide that all persons may register at any time during the year except as hereinafter provided, upon application to the register in chancery, if he be otherwise a qualified elector under the Constitution and laws of Alabama, and to provide for the payment of the fee to the register in chancery for each person registered, to be paid out of the county treasury upon certificate to such effect, signed by the register in chancery, and upon warrant drawn by the president of the board of revenue, or the chairman of the court of county commissioners.

Mr. Miller, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hall of Henry:

H. 509. To require all unpaid fees accruing to the sheriff or clerk and fees accruing to State's witnesses in criminal cases in Henry county, Alabama, since the first day of January, 1913, and prior to the first day of August, 1919, to be registered and paid out of the fine and forfeiture fund of said county.

Mr. Sims, chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:



By Mr. Baker (by request) (with amendment) :

S. 25. To regulate fraternal beneficiary societies, orders or associations.

By Mr. Baker (by request) (with amendment) :

S. 289. To provide how any fraternal benefit society or societies organized or doing business under the laws of this State, may consolidate, merge or reinsure its or their insurance risks, with any other fraternal benefit society or societies; and to provide how any such society or societies may assume, insure or reinsure the risks of any other fraternal benefit society or societies; and to provide penalties for the violation of the provisions hereof.

Mr. West, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Ross (with amendment) :

H. 479. To better provide for holding the circuit court of the tenth judicial circuit at Bessemer, in and for the following portions of Jefferson county, to-wit: Williams precinct No. 1, Jonesboro precinct No. 2, Parsons precinct No. 3, Aarons precinct No. 4, Short Creek precinct No. 5, Bethlehem precinct No. 7, Meeks precinct No. 24, Toadvine precinct No. 27, Bessemer precinct No. 33, Gwins precinct No. 35, Huey's precinct No. 40, Parkwood precinct No. 41, Mulga precinct No. 49, Virginia Mines precinct No. 51, Fairfield precinct No. 53, and Brighton precinct No. 55, to define the jurisdiction thereof, to provide for organizing and empanelling grand juries therefor and define the jurisdiction of said grand juries, to regulate the holding of said court at said place and otherwise provide therefor.

By Mr. Hall of Henry:

H. 507. To provide for the payment of the fees of State's witnesses in criminal cases in Henry county, Alabama.

By Mr. Edwards:

H. 470. To make it unlawful to solicit orders from or sell to tenants or laborers or others on plantations in Dallas county certain articles without the consent of certain persons; to prescribe the penalty for the violation of this act and to confer on justice of the peace jurisdiction to try causes arising hereunder.

By Mr. Green:

H. 469. To provide for the collection by the court of county revenues of Dallas county of a sum of money in lieu of road duty, to fix the amount thereof, and to set such times as the same shall be payable or shall be barred from payment.

By Mr. Green :

H. 468. To authorize and empower the probate judge of Dallas county to issue interest-bearing certificates or warrants in extension of certificates or warrants heretofore issued by the probate judge of Dallas county under authority of the court of county revenues or other law; to draft proper form of certificates or warrant, and to define the effect of such certificate or warrant.

By Mr. Dunaway :

H. 467. To authorize the court of county revenues of Dallas county to adopt a budget system in said county and such rules and regulations as may be necessary to carry same into effect, and for the proper government of said county, and confirming the action of said court in putting into effect a budget system for the years of 1918 and 1919.

By Mr. Hall of Marion :

H. 457. To provide a better system of road building and construction for the county of Marion.

By Mr. Murphey of Etowah :

H. 385. To require all fines imposed by any court in Etowah county upon conviction of any and all criminal offenses against the State laws and all forfeitures made final, to be paid in money, requiring such money to be deposited in the fine and forfeiture fund of the county; to provide the manner of paying warrants now and hereafter drawn against said fund, and to appropriate any surplus of said fund to the public road fund of the county.

By Mr. Murphy of Etowah :

H. 384. To repeal an act entitled an act to authorize the commissioners' court of Etowah county to levy a tax for making the public roads of said county and to provide for keeping said roads in repair. To provide that the general road law shall apply to Etowah county.

By Mr. Baker :

H. 382. To repeal an act entitled, "An act to provide for a better system of public roads for the county of DeKalb in this State," approved September 22, 1915.

By Mr. Alexander :

H. 304. To abolish the office of county treasurer of Perry county, and to provide for the court of county commissioners of Perry county, to contract annually with one or more banks in the county of Perry to keep and be custodian of the county funds, requiring bank or banks to give bond as such custodian; said banks or banks to receive and disburse all county funds or warrants allowed by court of county commissioners on certificates from circuit court clerk or of judge of county court, to require tax collector to pay all county moneys over to such bank or banks tak-

ing triplicate receipts therefor, requiring all other collecting or receiving county funds to pay same over to said bank or banks, making it unnecessary to have certificates of redemption to be countersigned, requiring probate judge to safely keep redemption money and pay same over to purchaser on surrender of purchaser's certificate.

By Mr. Phillips:

S. 434. To establish a board of revenue for Russell county, to provide for the appointment and election of the members thereof and prescribe their duties and powers, to provide for a president of said board and fix his duties and powers; and fix their compensation; to divide the county of Russell into five (5) board of revenue districts, and abolish the court of county commissioners, and to repeal all conflicting laws, general, local and special.

By Mr. West:

S. 438. To authorize and direct the board of revenue of Jefferson county, Alabama, to cause to be paid out of the county treasury of Jefferson county, Alabama, stenographic fees incurred by the recess committee having under consideration local legislation for Jefferson county, Alabama.

By Mr. Craft:

S. 423. To amend an act entitled, "An act to create the office of assistant clerk of the inferior criminal court of Mobile county, prescribe his or her duties, to fix his or her salary and provide for the method of selection for said office," approved February 15th, 1919.

By Mr. West:

S. 458. To alter or re-arrange the boundary lines of the city of Birmingham, Alabama, so as to exclude from the city of Birmingham certain territory now included in the corporate limits of said city of Birmingham.

By Mr. Harper:

S. 443. To amend section 2 and 3 of an act entitled, "An act to establish a board of revenue for Shelby county, and to abolish the court of county commissioners thereof," passed at the session of 1911, being in Local Acts of Alabama, page 154, said amendment making the president and members of said board elective by the qualified voters of said county, and fixing the term of office of said president and members of said board and the time of their election and providing that in case of a vacancy in the office of president or a member of said board, the vacancy shall be filled by election by a majority of the members of the board, for the unexpired term; and providing further that the president and members of the board now holding office shall hold their said

office until their successors are elected and qualified under the provisions of this act.

By Mr. West (with amendment):

S. 439. To provide for the appointment and compensation of bailiffs of courts in all counties of the State of Alabama which have a population of two hundred thousand or more according to the last or any subsequent Federal census and to fix the compensation of such bailiffs.

By Mr. West (by request):

S. 459. To alter or re-arrange the boundary lines of the city of Fairfield, Alabama.

Mr. Carmichael, chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cobbs:

H. 482. To further regulate the public school system of the county of Mobile by establishing a board of school commissioners for Mobile county, of five members, in the place and stead of the board of school commissioners of Mobile county, as at present constituted; which new board of five members shall have the same title and exercise the same rights, powers, duties and privileges as are now had and exercised by the board of school commissioners of Mobile county as at present constituted; and, to that end, to abolish the board of school commissioners of Mobile county as now constituted.

By Mr. Baker:

H. 11. To extend and regulate the granting of teacher's certificates to persons who served in the army or navy of the United States during the war with Germany.

By Mr. West:

S. 427. To provide for the number and election of members of the board of education in all cities in the State of Alabama having a population of 100,000, or more, according to any past or future Federal census and to provide for the filling of any vacancy on said board.

By Mr. McDowell:

S. 414. To provide for the reading of the Holy Bible in the schools in Alabama that are supported in part or in whole by public funds and to provide for the enforcement of the same.

By Mr. Acker:

S. 407. To fix the time when a special school tax levied by any county or school district shall become collectible, and to provide for the levy and collection thereof.

By Mr. West (with substitute) :

S. 240. To provide for the inspection of all public or private hospitals, reformatories, houses of detention, convents, asylums, sectarian seminaries, schools or institutions, by the sheriff of the county in which such institutions are situated, or by the grand jury thereof, or by any person or persons appointed by the circuit judge of the circuit in which such institutions are located, upon the petition of twenty citizens of said county or district, or by the volition of said judge, and to prescribe penalties for the violation thereof.

By Mr. West:

S. 241. To prohibit involuntary servitude or forcible detention in public or private hospitals, reformatories, houses of detention, convents, asylums, sectarian seminaries, schools or institutions, and providing penalties therefor.

Mr. Brown, chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that aid committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit: By Mr. Craft (with substitute) :

S. 280. To amend the act providing and creating a commission form of government for those municipalities not within the influence or operation of other commission government laws than that approved April eighth, nineteen hundred and eleven, found in the acts of 1911 at pages 330 to 355 inclusive, as amended by the act approved September twenty-fifth, nineteen hundred and fifteen, found in the acts of 1915 at pages 869 to 874 inclusive; by amending the title changing and rearranging sections or parts of sections, repealing provisions, and putting in others, so as to have an amended system of government for such towns and cities.

By Mr. McLeod:

H. 504. To amend section one (1) of an act entitled "An act to incorporate the town of Opp in the county of Covington, State of Alabama," approved February 28th, 1901.

By Mr. Ellis of Bullock:

H. 423. To repeal the charter of the town of Thompson, sometimes called Thompson Station, in the county of Bullock.

By Mr. Howle:

H. 466. To amend section 1 of an act entitled an act to amend sections 2 and 20 of an act entitled an act to establish a new charter for the town of Edwardsville, Cleburne county, approved February 18, 1897.

By Mr. Truss:

H. 55. To authorize and empower all cities of the State of Alabama having more than 100,000 population according to the last or any subsequent Federal census to condemn or acquire by purchase or otherwise a right of way, easement or other interest in land for the purpose of connecting private property with the sanitary or storm sewerage system of any such city, and to assess the cost of the acquisition of such right of way, easement or other interest in such land, and the cost of constructing such connection, against the property benefited thereby.

By Mr. Parker:

H. 367. To abolish the corporation of the town of Equality, Coosa county, Alabama, and the officers pertaining thereunto.

Mr. Cowan, chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDowell:

S. 380. To provide for the issuance of certificates or licenses to persons who have practiced dentistry or dental surgery in the State of Alabama for twenty years or more, and to fix the fee for issuing same.

By Mr. Rogers of Lauderdale:

S. 388. To enforce better sanitary conditions in hotels, inns, rooming houses, restaurants, cafes, dining rooms, lunch counters, and eating places of any kind or description and any establishment of like character furnishing or providing accommodations for the traveling public, with respect to clean, sanitary rooms, beds, linens, towels, bed furnishings and bed covering, furniture and room furnishings, toilet rooms, wash rooms, wash basins or wash bowls, lavatories, stationery or otherwise, privies and seats or stools thereof, etc., and providing for clean eating and cooking utensils, clean table linens and napkins, and the proper screening of sleeping rooms, dining and serving rooms and kitchens where meals are prepared and served, to provide for a proper inspection of all such establishments by the State board of health of Alabama, to empower and instruct the said State board of health of Alabama, to enforce the provisions of this act through legal channels or proceedings as provided by law, to define offenses for the violation of this act and to fix fines and punishment therefor.

Mr. Morris, chairman of the Standing Committee on Immigration and Industrial Resources, reported that said committee,

in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Morris:

S. J. R. 89. Memorializing Congress of the United States to pass laws for the deportation of any undesirable aliens, and to further restrict the coming into the ports of the United States of undesirable people from foreign countries.

Mr. Smith, chairman of the Standing Committee on Military, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Blunt:

H. 316. To provide for a census, or enumeration, of all persons enrolled in any branch of the military, naval, marine or aviation service or other service of the United States, during the Mexican border troubles and during the European War, and to provide compensation therefor.

Mr. Kelly, Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Espy:

S. 454. To amend an act approved February 19, 1919, entitled, "An act to amend section 1 of an act entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained, approved September 10, 1915."

By Mr. Nance:

S. 448. To create a county highway commission for Cherokee county, Alabama, to be known as the Cherokee county highway commission, and to provide for the appointment thereof by the governor; to invest it with full, complete and unlimited jurisdiction over the public roads, bridges and ferries in Cherokee county; to prescribe and define its powers and duties as such highway commission, and to repeal all laws and parts of laws in conflict therewith. To abolish free labor on the public roads in Cherokee county, and in lieu thereof, assess public road dues on those required to perform free labor on the public roads. To authorize the commission to take charge of all the public road tools and

machinery belonging to the county, and to receive all the funds now provided by the county for the use of the public roads, bridges and ferries therein and in addition thereto, to levy and collect special privilege license taxes for the construction and maintenance of the public roads, bridges and ferries in the county. To authorize and empower the commission to exercise all the legislative, judicial and executive authority over the public roads, bridges and ferries conferred by law on the court of county commissioners. To fix penalties for the violations of any of the provisions of this act, and for the violations of any of the rules, or legislative acts of the commission.

By Mr. Nance:

S. 449. To designate a certain road a State trunk road in Cherokee county, Alabama.

Mr. Carmichael, chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the adverse calendar, to-wit:

By Mr. Morris:

S. 252. To amend subdivision 7 of section 6 of an act approved August 16, 1915. (Relates to the consolidation of schools and the transportation of pupils at public expense.)

Mr. Cowan, chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with an adverse report, and they were severally read a second time and placed on the adverse calendar, to-wit:

By Mr. Huddleston:

S. 385. To provide that it shall be unlawful to require nurses who are in training to work more than eight hours a day, and to provide a penalty for a violation of this act.

By Mr. Brown (by request):

S. 306. To define optometry; to provide for the regulation of the practice thereof; to provide for the examination of applicants to practice optometry in Alabama; to provide for the issuing of licenses and certificates and the registration and display thereof; to provide for reports by probate judges of said registrations; to provide for the revoking or refusing to issue said licenses and certificates; to provide for a State board of optometry; to provide for the appointment of members thereof, and prescribe their duties, powers, qualifications, terms of office and compensation; to provide for the disposition of fees collected by said board; to provide fees and funds for enforcing said act; to pro-



vide for enforcing said act; to allow the board to enter into reciprocity agreements with like boards of other states; to provide penalties and punishment for violations of the provisions of said act; and to repeal all general and local laws in conflict with said act.

By Mr. Baker:

S. 460. To permit physicians who have graduated regularly in schools of medicine, and who have served as physicians or surgeons in foreign countries in the late war with Germany, to practice medicine without further examination or qualification.

By Mr. Gunter:

S. 292. To regulate the practice of chiropody (podiatry) in the State of Alabama; to provide for the establishment of a State board of chiropody (podiatry) examiners; to define the duties and powers of said board; to provide for the examining and registration of chiropodists (podiatrists) in this State; and to provide penalties for the violation of this act.

By Mr. West:

S. 436. To suppress the sale or possession of the flesh of any animal of the bovine species under the age of one year.

By Mr. West:

S. 456. To provide for the issuance of certificates to practice medicine in this State to persons who have diplomas from a recognized school of medicine and who have had at least six months hospital service as a physician in a hospital then operated or controlled by the United States Government during the war with Germany, and its allies, and who can furnish recommendations from five reputable physicians who are members of the Alabama Medical Association.

By Mr. Evins:

S. 432. Regulating the construction and maintenance of buildings in which dry cleaning and dry dyeing is carried on and providing for the inspection of the construction and maintenance by the State fire marshal of dry cleaning and dry dyeing buildings and establishments, and providing a penalty for the violation of any provision of this act.

#### ORDER TO PRINT.

On motion of Mr. Carmichael, the Secretary was directed to have 2,000 copies of the bill:

S. 470. To provide a complete educational system for the State of Alabama; to provide a public school fund; to provide for the administration of the public school and to create a State board of education and to prescribe its powers and duties; to

make appropriations for elementary schools and other institutions of learning in the State, including the University of Alabama, Alabama Polytechnic Institute, Alabama Technical Institute for Women, Agricultural and Mechanical Institute for Negroes, Tuskegee Normal and Industrial Institute, State normal schools, State secondary agricultural schools, Northwest Alabama Agricultural and Industrial Institute, county high schools, Alabama School for Deaf, Alabama School for the Blind, Alabama School for Negro Deaf and Blind, Alabama Boys' Industrial School, Alabama Reform School for Juvenile Negro Law Breakers; to provide for the erection of certain necessary buildings and to make appropriations for the same; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses, including equipment and furniture; to provide for holding elections for the one mill county tax on each dollar of taxable property, under the Constitution of 1901; to provide for holding elections for county tax of three mills or less, on each dollar of taxable property, under the amendment to the Constitution of 1901; to provide for holding elections for district taxes of three mills or less, on each dollar of taxable property, prescribe the method of holding such elections; to prescribe the duties and powers of the State superintendent of education and to fix his compensation; to make appropriations for the State department of education and to define its duties and powers; to provide for the appointment of county superintendents of education, to define their powers and duties and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education and to define their powers and duties and to provide for their compensation; to provide for supervisors of schools in the various counties and cities and to fix their powers and duties and to provide for their compensation; to provide for a bonus fund for counties levying and collecting a special tax for school purposes and to fix the amount, proportioned upon the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State, within certain ages, and to fix penalties and provide for the appointment of attendance officers and to define their duties and fix their compensation, and to provide the method of enforcement of compulsory attendance within the ages prescribed; to provide for the certification of teachers, how such certificates may be obtained, the length of time they are to be in force and to provide appropriations for the necessary expenses of conducting teachers' examinations and issuing certificates and to provide the necessary clerical and other

assistants in and about this business; to provide for the training of teachers in actual service and make appropriations for the expenses thereof; to provide pecuniary assistance for the erection, repair, and equipment of rural school houses throughout the State and to prescribe the methods and conditions under which such assistance may be obtained, and to make appropriations therefor; to provide for the sale and conveyance of certain lands which have been conveyed through the State for school purposes; to provide for rural libraries throughout the State, and to provide for rural libraries throughout the State, and to provide the method by which assistance to such rural libraries may be obtained, and to provide appropriations therefor; to provide for vocational education and to make appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors and to make appropriations therefor; to provide uniform text books throughout the State and to create a State textbook committee and define its powers and duties; to provide for county high schools and to prescribe the conditions under which such county high schools may obtain assistance from the State, and to make appropriations therefor, and to provide that such county high schools may be assisted financially by county boards of revenue or boards of education or by municipalities, or by private agencies; to provide for county high school treasurers, to fix their bonds and prescribe their powers and duties and to provide for the payment of the premium upon their bonds; to provide for county treasurers of school funds, to fix their bonds and prescribe their powers and duties and to provide for the payment of the premium upon their bonds; to provide for the establishment of six State secondary agricultural schools, to provide the method of their location, to provide for their management and control, and to make appropriations therefor; to provide for certain State normal schools, to provide for their control and management and to make appropriations therefor, and to make special appropriations for certain buildings, improvements, and for the purchase of real estate and for the payment of certain indebtedness therefor; to make appropriations for the Tuskegee Normal and Industrial Institute, the Agricultural and Mechanical Institute for Negroes; to change the name of the school heretofore established at Montevallo as the "Alabama Girls' Industrial School," later known and called the "Alabama Girls' Technical Institute," to the name of the "Alabama Technical Institute for Women," to provide its powers and duties; to create a board of trustees for such institute, to prescribe their powers and duties and their methods of appointment and length of service, and to make appropriations therefor; to pro-

vide for the control and management of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees for such institute, the method of appointment of such trustees, and to make appropriations therefor; to provide for the control and management of the University of Alabama, to define the powers and duties of the board of trustees for such University, the method of appointment of such trustees, and to make appropriations therefor; to provide for the summer schools at the University of Alabama and to make appropriations therefor; to create a State council of education, to prescribe its powers and duties and to make appropriations therefor; to provide for the management and control of the Alabama Institute for the Deaf, to create a board of trustees therefor and to provide for the method of their appointment and the length of service, and to provide appropriations therefor; to provide for the management and control of the Alabama Academy for the Blind, to create a board of trustees therefor and to provide for the method of their appointment and the length of service, and to provide appropriations therefor; to provide for the maintenance and establishment of the Alabama Boys' Industrial School, to provide for the management and control thereof and for the appointment of a board of directors, to define their powers and duties and the method of committing white boys thereto, and to make appropriations for such school; to provide for the maintenance and establishment of the Alabama Reform School for Juvenile Negro Law Breakers, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing negro boys thereto, and to make appropriations for such school; to provide for the lease and sale of school lands in this State; to provide for the abolishment of township lines for school purposes; to require private, denominational and parochial schools to make reports; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics and their effect upon the human system; to provide penalties for the violation of the provisions of this act, and to provide for the repeal of inconsistent laws heretofore enacted.

Printed for the use of the Senate and House.

## REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills, beg leave to report that said committee, in session, have examined and compared the following engrossed bills, with the originals, and find same correctly engrossed, to-wit:

S. 216. To promote the sale of farm loan bonds issued by the Federal land banks organized under the provisions of the farm loan act.

Also:

S. 267. To amend section 1 of an act entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained, approved September 10, 1915.

Also:

S. 229. To amend section one of an act entitled, "An act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved, and maintained," approved September 10th, 1915.

Also:

S. 387. To legalize and validate bonds issued, and authorized by election to be issued, by cities having a population of less than six thousand inhabitants.

Also:

S. 392. To provide for the payment of witnesses before the grand juries, and State's witnesses in all criminal cases, and the fees and commissions of the sheriff and clerks of the circuit court and ex-officio clerk of the county court of Pike county, Alabama, in all criminal cases in which the State fails to convict, out of the general fund of said county.

Also:

S. 393. To regulate the fine and forfeiture fund of Pike county, Alabama, and provide for the registration and payment of claims against said fund.

Also:

S. 408. To amend section 13 of an act entitled an act to provide for the better construction, repairing, working, and maintaining of public roads and bridges in Talladega county, Alabama, approved March 15, 1911, and to amend said section 13 of said act as amended by act of the Legislature approved July 17, 1915, so as to make the same read as follows, to-wit:

Also:

S. 416. To designate a certain public road of Alabama as a State trunk road, and to provide the manner in which said road shall be improved and maintained.

Also:

S. 417. To designate a certain public road of Alabama as a State trunk road.

R. B. Evins,  
Chairman. .

#### REPORT OF THE COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Griffith, chairman of the Committee on Revision of the Journal, reported that said committee, in session, had examined the Journals of the Senate for the 29th, 30th, 31st, 32nd and 33rd legislative days of the session, and found same contains the proper entries in reference to each bill and resolution contained therein, as required by the Constitution.

A. A. Griffith,  
Chairman.

#### COMMITTEE REPORT.

The foregoing report from the Committee on Revision of the Journal was read, and on motion of Mr. Griffith the same was adopted and the Journals of the Senate of the 29th, 30th, 31st, 32nd and 33rd legislative days of the session were approved by the Senate.

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills beg leave to report that said committee, in session, have compared the following enrolled bills, with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

S. 96. To amend section twelve of an act to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same; and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties.

S. 160. To prescribe the qualifications, duties and compensation of coroners in counties of this State of two hundred thou-

sand inhabitants or more according to the last Federal census or any subsequent Federal census who may be hereafter elected and to provide for a deputy or an assistant coroner and to define and prescribe the powers and duties of such deputy or assistant, and to provide for the employment of a competent physician at any inquest held by such coroner or such deputy or such assistant, and to define and prescribe his duties and to fix his compensation and to provide for the employment of stenographer by such coroners.

S. 168. To amend sections 8 and 10 of an act entitled, "An act to regulate the fine and forfeiture of Cullman county, and to provide for the registration and payment of claims against said fund," approved September 25th, 1915.

S. 270. To authorize the court of county revenues of Dallas county to issue interest-bearing warrants or certificates to holders of claims against Dallas county contracted prior to July, 1918, and ratifying and confirming the action of said court of county revenues in authorizing the issuance of certain interest-bearing warrants prior to July 1st, 1918, and validating the warrants issued for certain purposes.

S. 220. To define the jurisdiction of justices of the peace and notaries public who are ex-officio justices of the peace in precinct one in Cullman county, and to provide for the service of process from their courts.

S. 277. To prohibit live stock from running at large after January 1st, 1920, in all counties having a population of not less than thirty thousand nine hundred and not exceeding thirty thousand nine hundred and seventy-five, according to the last or any subsequent Federal census, to provide for its enforcement and fix penalties for its violation.

S. 312. To require the city of Mobile to pay one-half of the annual expenses of the juvenile court of Mobile county and of the detention homes for delinquent juveniles of Mobile county, including the salary of the judge of said court, the salaries of the probation officer, the salaries of the superintendent, matron and other employees necessary for the care of the detention home for juvenile delinquents of Mobile county and the expense of providing and maintaining of detention homes for juvenile delinquents of Mobile county.

Chas. McDowell,  
Chairman.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by

a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

S. 96. To amend section twelve of an act to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same; and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties.

S. 160. To prescribe the qualifications, duties and compensation of coroners in counties of this State of 200,000 inhabitants or more according to the last Federal census or any subsequent Federal census who may be hereafter elected and to provide for a deputy or an assistant coroner and to define and prescribe the powers and duties of such deputy or assistant, and to provide for the employment of a competent physician at any inquest held by such coroner or such deputy or such assistant, and to define and prescribe his duties and to fix his compensation and to provide for the employment of stenographer by such coroners.

S. 168. To amend sections 8 and 10 of an act entitled, "An act to regulate the fine and forfeiture of Cullman county, and to provide for the registration and payment of claims against said fund," approved September 25th, 1915.

S. 270. To authorize the court of county revenues of Dallas county to issue interest-bearing warrants or certificates to holders of claims against Dallas county contracted prior to July, 1918, and ratifying and confirming the action of said court of county revenues in authorizing the issuance of certain interest-bearing warrants prior to July 1st, 1918, and validating the warrants issued for certain purposes.

S. 220. To define the jurisdiction of justices of the peace and notaries public who are ex-officio justices of the peace in precinct one in Cullman county, and to provide for the service of process from their courts.

S. 277. To prohibit live stock from running at large after January 1st, 1920, in all counties having a population of not less than thirty thousand nine hundred and not exceeding thirty thousand nine hundred and seventy-five, according to the last or any subsequent Federal census, to provide for its enforcement and fix penalties for its violation.



S. 312. To require the city of Mobile to pay one-half of the annual expenses of the juvenile court of Mobile county and of the detention homes for delinquent juveniles of Mobile county, including the salary of the judge of said court, the salaries of the probation officer, the salaries of the superintendent, matron and other employees necessary for the care of the detention homes for juvenile delinquents of Mobile county and the expense of providing and maintaining of detention homes for juvenile delinquents of Mobile county.

#### RESOLUTIONS.

Mr. Leith offered the following resolution:

S. J. R. 108. Whereas, some of the members of the legislative committee which was appointed pursuant to a joint resolution of the first part of the term of this Legislature have obtained information since said committee made its report that there has been mistreatment of convicts and that some of the convict camps are not properly maintained.

Now, therefore, be it resolved by the Senate, the House concurring, that said committee may reorganize and sit during the time while this Legislature is in session and may investigate such convict camps as they deem proper with the full authority and effect as under the original resolution and that said committee are hereby authorized to make such investigations as they deem necessary at the expense, mileage and per diem to be paid as provided in the original joint resolution and to have a stenographer or secretary, as provided also in the original resolution, and to be paid in the same way and manner as provided in the original resolution, and that said committee during the time this Legislature is in session and continuing to the next Legislature may make such investigations as they deem necessary and proper to look after the welfare of the convicts of Alabama and the State of Alabama and report to the next Legislature their findings and recommendations.

Which was read and referred to the Standing Committee on Rules.

Mr. Leith also offered the following joint resolution:

S. J. R. 109. Whereas, at the first term of this Legislature there was ordered and created by a joint resolution a committee known as "The convict and highway committee," and

Whereas, that committee made many investigations and obtained an abundance of data relative to the treatment and conditions of the convicts of the State of Alabama and a great deal of

the data and information so obtained was reduced to writing, and

Whereas, said committee was composed of eight members and that in obedience to said joint resolution a majority of said committee made a report to this Legislature at the adjourned term as required by said joint resolution, and

Whereas, later on a minority report was made by said committee, and

Whereas, the governor of Alabama sent a message to this Legislature when it met at the adjourned term and the two reports by said committee and the governor's message seemed to be somewhat in conflict.

Therefore, be it resolved by the Senate, the House concurring, That two hundred thousand copies containing all of the evidence and data obtained by said committee, including both the majority and minority reports and the governor's message, be printed in pamphlet form, and

Be it further resolved, That the department of archives and history be required to have the above printed and mailed equally to the citizens of Alabama and that the State auditor shall issue a warrant on the State treasurer to the department of archives and history for a sufficient amount to pay for the printing and mailing of the above upon a certificate of the itemized account issued by the head of the department of archives and history and sworn to by him.

Be it further resolved, That the purpose of this resolution is that the citizens of Alabama are entitled to know the facts as to how the convicts have been and are treated and they, themselves, to be the judges as to who made a correct and proper report.

Which was read and referred to the Standing Committee on Rules.

Mr. Acker offered the following Senate joint resolution :

S. J. R. 110. Resolved by the Senate, the House concurring, That when the two houses adjourn today they adjourn to reconvene at 10:00 o'clock A. M., on Wednesday next, August 13, 1919.

Which was, under a suspension of the rules, adopted.

Mr. Rogers of Sumter offered the following resolution :

S. J. R. 111. Whereas, the navigable rivers of the States are under the control of the National Government, and

Whereas, the cost of building foot and vehicle bridges across these streams are prohibitive to the counties of the states through which these rivers flow, and

Whereas, bridges across these streams are needed to encourage and promote trade between the people of the several states and are absolutely indispensable for the mobilization of our army in time of war or threatened danger,

Now, therefore, be it resolved, That Congress is hereby memorialized to so amend the highway bill giving aid to the states in the building of roads, so that the National Government may build and maintain bridges across the navigable streams of the United States without cost to the several states, at all points on these streams where designated and deemed necessary by the highway departments of the several states.

Be it further resolved, That a copy of this resolution be sent to the two senators from the State of Alabama and members of the House of Representatives from Alabama.

Which was read and referred to the Committee on Public Roads and Highways.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 365. To ratify, confirm and legalize an election held in Coosa county, Alabama, on the 7th day of November, 1916, to determine the question whether or not the work of tick eradication shall be taken up in Coosa county under the State live stock sanitary board as provided by law, and to ratify, confirm and legalize the notice or proclamation issued by the live stock sanitary board of Alabama declaring in effect the regulations adopted by the live stock sanitary board of Alabama, in the county of Coosa, and to declare in full effect all the regulations adopted by the live stock sanitary board of Alabama, in said county of Coosa, in the State of Alabama, together with the laws of the State pertaining to the same.

With notice and proof attached hereto and exhibited as follows:

#### PUBLIC NOTICE.

To Whom It May Concern:

You will take notice that at the adjourned term of the Legislature of Alabama, to be held commencing in July next, a bill will be introduced entitled, "An act to ratify, confirm and legalize an election held in Coosa county, Alabama, on the 7th day of November, 1916," to determine the question whether or not the work of tick eradication shall be taken up in Coosa county under the State live stock sanitary board as provided by law and to ratify, confirm and legalize the notice or proclamation issued by the live stock sanitary board of Alabama declaring in effect the regulations adopted by the live stock sanitary board of Alabama, in the county of Coosa and to declare in full force and effect all the regulations adopted by

the live stock sanitary board of Alabama, in said county of Coosa, in the State of Alabama, together with all the laws of the State pertaining to the same.

State of Alabama, }  
Coosa County. }

Before me, a notary public in and for said State and county, personally appeared A. D. Bentley, publisher of the Chronicle, a newspaper published weekly in Coosa county, Alabama, and states that the attached notice was published four consecutive weeks, beginning with the issue of June 6, 1919, and ending with June 27, 1919.

(Signed) A. D. Bentley,  
Publisher.

Sworn to and subscribed before me this the 5th day of July, 1919.

(Signed) Henry A. Teel,  
Notary Public.

Also:

H. 389. To amend section two (2) of an act to authorize and require the county treasurer of Greene county, Alabama, to transfer all monies from the fine and forfeiture fund of said county into the general fund of said county, and to pay from said general fund all legal claims against said fine and forfeiture fund. Approved August 16, 1915.

With notice and proof attached hereto and exhibited as follows:

#### NOTICE.

Notice is hereby given that the following local bill will be introduced in the present Legislature, 1919, to amend the local law providing for the payment of the fine and forfeiture fund with the general fund, approved August 15, 1919.

February 3, 1919.

A. P. Smith.

#### AN ACT

To amend section two (2) of an act to authorize and require the county treasurer of Greene county, Alabama, to transfer all monies from the fine and forfeiture fund of said county into the general fund of said county, and to pay from said general fund all legal claims against said fine and forfeiture fund. Approved August 16, 1915.

Be it enacted by the Legislature of Alabama:

Section 1. That section two (2) of an act entitled an act to authorize and require the county treasurer of Greene county, Alabama, to transfer all monies from the fine and forfeiture fund of said county into the general fund of said county and to pay from said general fund all legal claims against said fine and forfeiture fund be and the same hereby is amended so as to read as follows:

That the county treasurer of said county or the custodian of the county funds be and he is hereby authorized to pay from the general fund of said county all claims which are by the law required to be paid from the fine and forfeiture fund of said county, provided however that the court costs arising from said fine and forfeiture fund shall be a preferred claim against said general fund.

Section 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

The State of Alabama, }  
Greene County. }

Before me, the undersigned notary public in and for Greene county, personally appeared James S. Coleman, editor and proprietor of the Greene County Democrat, a weekly newspaper publisher in said Greene county, who, being by me first duly sworn, says that the notice hereto attached to the proposed local law with said law was published in said Greene County Democrat once each week for four (4) consecutive weeks after February 7th, 1919.

James S. Coleman,  
Editor and Proprietor of Greene County Democrat.

Sworn to and subscribed before me, this the 5th day of July, 1919.

(Seal.) James C. Lucius,  
Notary Public in and for Greene County, Alabama.

Also:

H. 405. To further provide for the compensation of the probate judge of Lowndes county, Alabama, and to increase the amount now allowed to be earned, under the provisions of the law authorizing the payment of ex-officio fees.

With notice and proof attached hereto and exhibited as follows:

#### NOTICE.

Notice is hereby given that the following bill will be introduced at the present session of the Legislature of Alabama, when it reconvenes in July, 1919, to be entitled:

#### AN ACT

To further provide for the compensation of the probate judge of Lowndes county, Alabama, and to increase the amount now allowed to be earned, under the provisions of the law authorizing the payment of ex-officio fees.

Be it enacted by the Legislature of Alabama:

Section 1. That for all official duties and services, the compensation for which is not expressly provided by law, the probate judge of Lowndes county, Alabama, shall be entitled to and allowed to collect, such sum as may be allowed by the board of Revenue of Lowndes county, Alabama, to be paid out of the general funds of said county, not exceeding \$800.00 per annum.

Section 2. That all laws and parts of laws, in so far as the same are applicable to the probate judge of Lowndes county, which are in conflict with this act, are hereby repealed.

W. H. Lee,  
Probate Judge of Lowndes County, Alabama.

State of Alabama, }  
Lowndes County. }

Personally appeared before me, D. C. Leatherwood, clerk circuit court in and for said county and State, F. Nunnelee, known to me to be owner, manager and editor of the Citizen-Examiner, a newspaper published once a week in said county and State, who on oath says that the notice attached hereto ran for four consecutive weeks in said paper.

Frank Nunnelee.

Subscribed and sworn to before me this the 7th day of July, 1919.

D. C. Leatherwood,  
Clerk Circuit Court, Lowndes County, Alabama.

Also:

H. 537. To further prescribe times of election and terms of office of the county commissioners of Henry county, Alabama.

With notice and proof attached hereto and exhibited as follows:

#### NOTICE.

Is hereby given of application for passage by the Alabama Legislature when it reconvenes in regular session July 8th, 1919, for the following local act for Henry county, to-wit:

#### A BILL

To be entitled an act to further prescribe times of election and terms of office of the county commissioners of Henry county, Alabama.  
Be it enacted by the Legislature of Alabama:

Section 1. That from and after the passage of this act, the times of election of county commissioners of Henry County, Alabama, shall be every two years, on the dates now provided by law for general elections in the several counties of said State; provided, that at the next general election the terms of office of the two candidates standing for such election receiving the highest number of votes cast at such election, shall be four years, and the terms of offices of the two candidates standing for such election receiving the next highest number of votes shall be two years; and provided further, that thereafter, two county commissioners shall be elected every two years for a term of four years in and for said county.

Section 2. That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed, and to repeal or modify the provisions of this act by said Legislature, the same shall be done in the same manner as its passage, including publication notice thereof.

Deemed by the court of county commissioners of Henry county, Alabama, at its June term, 1919, as applicable to the said entire county.

H. W. Owens,  
Judge of Probate, as Chairman.

#### PROOF OF NOTICE OF PUBLICATION.

State of Alabama, }  
Henry County. }

Personally appeared before me, H. W. Owens, judge of probate in and for said county, H. H. Golson, who being duly sworn, deposes and says, that he is editor and publisher of The Abbeville Herald, a newspaper published in the town of Abbeville in said county, which has a general circulation in said county, in which newspaper was published for four consecutive weeks the foregoing and attached law, on dates, to-wit: June 12th, 19th and 26th, also July 3rd, 1919.

H. H. Golson,  
Editor and Publisher.

Sworn and subscribed to before me, this July 9, 1919.

H. W. Owens,  
Judge of Probate.

Also:

H. 546. To amend sections 3, 7 and 11 of an act entitled an act to establish a board of revenue for Sumter county, and for the abolishment of the court of county commissioners of said county, approved February 22nd, 1919.

With notice and proof attached hereto and exhibited as follows:

NOTICE.

Notice is hereby given that the following bill will be introduced in the Legislature of Alabama:

A BILL

To be entitled an act to amend sections 3, 7 and 11 of an act entitled an act to establish a board of revenue for Sumter county, and for the abolishment of the court of county commissioners of said county, approved February 22nd, 1919.

Section 1. Be it enacted by the Legislature of Alabama, That section 3 of an act entitled an act to establish a board of revenue for Sumter county, and for the abolishment of the court of county commissioners of said county, approved February 22nd, 1919, be amended so as to read as follows:

Section 3. Be it further enacted, That said board of revenue shall have the power and authority to direct and control the property of Sumter county as it may deem expedient, according to law, to levy a tax for general purposes and special taxes for particular county purposes, according to the laws of Alabama; to examine, settle and allow accounts and claims chargeable against the county; to audit and settle the accounts of all officers having the care, management, collection or disbursement of money belonging to the county, or appropriated to its use and benefit, and may have the books of said officers audited or examined by accountants, when it deems same necessary; to have the exclusive control of the convict labor of the county, and the disbursement of the proceeds of same; to regulate and control the purchase of stationery, supplies, furniture, and typewriters for county purposes; to provide for the purchase and payment out of the county funds for the necessary stationery, furniture, books, supplies and postage for the use of said board of revenue in the conduct of its official business; to employ janitors for the court house and other county buildings; to pay for fuel for heating the court house and the various offices therein; to provide lights and water for use in the court house and jail; to have telephones installed in the court house for county business, and to pay for the necessary telephone and telegraph messages about county business; and the sole right and authority to bind the county in any contract for the payment of money, and the sole right and authority to pay any debt due the county on any existing lawful contract.

Section 2. Be it further enacted, That section 7 of said act be and the same is hereby amended so as to read as follows:

Section 7. Be it further enacted, That said board of revenue shall elect a clerk, who may be a member of the board and fix his compensation, and employ such other clerical assistance as may be necessary, and it shall be the duty of the clerk of the board of revenue to attend the meetings of said board and issue all notices required by said board of revenue. The clerk shall, under the direction of said board of revenue, keep the minutes and records of the proceedings of the said board of revenue in well bound volumes provided for that purpose. Said records to be kept in the office of the board of revenue, and to be open at all reasonable hours to the inspection

of the citizens of the county and other interested persons, and the clerk of said board shall perform such duties and matters as may be required of him by said board of revenue. The compensation of said clerk and of all other clerical assistants shall be fixed by said board of revenue and his term of office shall be at the pleasure of said board of revenue.

Section 3. Be it further enacted, That section 11 of said act shall be amended so as to read as follows:

Section 11. Be it further enacted, That the members of said board of revenue shall each be entitled to five dollars per day for each day of actual service rendered; five cents per mile for traveling to and from the sittings of said board of revenue, and to and from the place where any service is rendered by them, to be paid out of the county treasury on certificates or warrants signed by the president of the board of revenue; provided that no member of the board of revenue shall, during any one year, receive more than three hundred dollars from the county treasury for any and all services rendered by him either as a member of the board or for any work or labor done for, or services rendered to the county.

State of Alabama, }  
County of Sumter. }

Before me, Thos. F. Seale, a notary public in and for said county and State, personally appeared W. H. Lawrence, who being by me first duly sworn, deposes and says that he is editor and publisher of "Our Southern Home," a newspaper published at Livingston, in said State and county, and that the notice, a true copy of which is hereto attached, has been published in said newspaper once a week for four consecutive weeks, commencing on the 18th of June, and appearing in said paper on June 18th and 25th, July 2nd and the 9th, 1919, respectively.

W. H. Lawrence,  
Editor of "Our Southern Home."

Sworn to and subscribed before me, this the 14th day of July, 1919.

Thos. F. Seale,  
Notary Public.

Also:

H. 547. To authorize the commissioners court of Tallapoosa county, to issue a warrant in favor of Jennie Hagerdorn, for the sum of \$882.62, and to provide for the payment of the same by the county treasurer.

With notice and proof attached hereto and exhibited as follows:

The State of Alabama, }  
Tallapoosa County. }

Before me, D. R. Meadows, a justice of the peace, in and for said State and county, personally appeared W. R. Jordan, who being first duly sworn, says that he is the editor and publisher of The Alexander City Outlook, a weekly newspaper published at Alexander City in Tallapoosa County, Alabama.

That there was published in the Alexander City Outlook the following notice, to-wit:

#### NOTICE.

Notice is hereby given that there will be introduced in the present Legislature of the State of Alabama a bill authorizing the commissioners' court of Tallapoosa county, to pay to Jennie Hagerdorn, the interest due to her



by the said county on a certain loan by her to Tallapoosa county on the 12th of October, 1916.

That said notice was published in the issues of the said paper on January 29, February 5, February 12, February 19, 1919.

W. R. Jordan.

Sworn to and subscribed before me on this the 8th day of July, 1919.

D. R. Meadows,  
Justice of the Peace.

Also:

H. 548. To authorize the commissioners court of Tallapoosa county to issue a warrant in favor of The Alexander City Bank, for the sum of \$1080.11, and to provide for the payment of the same by the county treasurer.

With notice and proof attached hereto and exhibited as follows:

The State of Alabama, }  
Tallapoosa County. }

Before me, D. R. Meadows, a justice of the peace in and for said State and county, personally appeared W. R. Jordan, who being first duly sworn, says that he is the editor and publisher of The Alexander City Outlook, a weekly newspaper published at Alexander City, in Tallapoosa county, Alabama.

That there was published in the Alexander City Outlook the following notice, to-wit:

#### NOTICE.

Notice is hereby given that there will be introduced in the present Legislature of the State of Alabama, a bill authorizing the commissioners court of Tallapoosa county, Alabama, to pay the Alexander City Bank, the interest due to it by said county a certain loan made by it to Tallapoosa county on the 10th day of June, 1916.

That said notice was published in the issues of the said paper on January 29, February 5, February 12, February 19, 1919.

W. R. Jordan.

Sworn to and subscribed before me on this the 8th day of July, 1919.

D. R. Meadows,  
Justice of the Peace.

Also:

H. 568. To require all fines and forfeitures in criminal cases in Henry county, Alabama, to be paid in money and to provide for the collection and disposition of said fines and forfeitures.

With notice and proof attached hereto and exhibited as follows:

#### NOTICE

Is hereby given that application will be made to the Legislature of Alabama, which reconvenes on the 8th day of July, 1919, for the passage of the following law:

#### A BILL

To be entitled an act to require all fines and forfeitures in criminal cases in Henry county, Alabama, to be paid in money and to provide for the collection and disposition of said fines and forfeitures.

Be it enacted by the Legislature of Alabama:

Section 1. That after the passage of this act all fines and forfeitures assessed or imposed in a criminal case in Henry county, Alabama, shall be paid in money.

Section 2. That it shall be the duty of the clerk or the justice of the peace or any other officer, where a judgment has been rendered for a fine or forfeiture in a criminal case in Henry county, Alabama, in their respective courts, to issue execution for the collection of said judgment as now required by law.

Section 3. That when said judgment for said fine or forfeiture has been collected, it shall be paid by the party collecting it to the depository of said county, and be credited to the fine and forfeiture fund thereof.

Deemed by the court of county commissioners of Henry county, Alabama, at its June term, 1919, as applicable to the said entire county.

H. W. Owens,

Judge of Probate, as Chairman.

#### PROOF OF NOTICE OF PUBLICATION.

State of Alabama, }  
Henry County. }

Personally appeared before me, H. W. Owens, judge of probate in and for said county, H. H. Golson, who being duly sworn, deposes and says, that he is editor and publisher of The Abbeville Herald, a newspaper published in the town of Abbeville in said county, which has a general circulation in said county, in which newspaper was published for four consecutive weeks the foregoing and attached law, on dates, to-wit: June 12th, 19th and 26th, also July 3rd, 1919.

H. H. Golson,

Editor and Publisher.

Sworn and subscribed to before me, this July 9, 1919.

H. W. Owens,

Judge of Probate.

Also:

H. 594. To repeal an act to provide for the better construction, repairing, working and maintaining of public roads and bridges in Clay county, Alabama, approved March 29th, 1911.

With notice and proof attached hereto and exhibited as follows:

#### NOTICE.

Notice is hereby given that a bill will be introduced in the present session of the Legislature of Alabama, the substance of which will be to repeal "An act to provide for the better construction, repairing, working and maintaining of public roads and bridges in Clay county, Alabama," approved March 29th, 1911. Said repeal to go into effect October 31st, 1919.

State of Alabama, }  
Clay County. }

Before me, O. B. Cornelius, judge of probate in and for said county and State, personally appeared B. W. Sims, who is known to me and being by me first duly sworn, on oath deposes and says that he is general manager for the Ashland Progress, a newspaper published weekly in Ashland, Clay county, Alabama, during the year 1919, and that the notices attached

hereto marked "Exhibit" were published in said paper on the following dates in the issues of said paper appearing on said dates, and that said papers containing said publications had a general circulation in Clay county, Alabama, and which said dates containing said publication were as follows: June 13, 1919; June 20, 1919; June 27, 1919; July 4, 1919.

B. W. Sims.

Sworn to and subscribed to before me, on this the 7th day of July,  
A. D. 1919.

O. B. Cornelius,

(Seal.)

Judge of Probate, Clay County, Alabama.

Also:

H. 455. To regulate the trials of misdemeanors in Lawrence county.

With notice and proof attached hereto and exhibited as follows:

#### NOTICE OF LOCAL LAW.

Notice is hereby given of the intention to apply to the Legislature of Alabama, for the passage of a local law for Lawrence county, in substance as follows:

To regulate the institution and trial of misdemeanors in Lawrence county and providing that the county court of Lawrence shall have concurrent jurisdiction with the circuit court for the trial of misdemeanors; providing for the transfer of misdemeanors from the circuit to the county court and the docketing and procedure of all causes in the county court and providing for trials by jury in said court; regulating appeals and bills of exceptions from said court providing for judge and solicitor for the county court and fixing their fees and fixing the terms of said court and the compensation of sheriff and clerk therein; providing for appeals in misdemeanor cases from justice courts and trials thereof; providing for the recording of affidavits in county courts and the introduction of the record thereof as evidence; providing that if any portion of this act shall be declared unconstitutional it shall not affect balance of act and further providing for the repeal of all acts in conflict with the provisions of this act.

The State of Alabama, }  
Lawrence County. }

Before me, C. M. Sherrod, a notary public in and for said State and county, on this day personally appeared John P. White, who being by me sworn in due form of law deposes and says that he is the editor and publisher of The Moulton Advertiser, a weekly newspaper published at Moulton, in Lawrence county, Alabama, and that the attached and foregoing notice was published and appeared in said The Moulton Advertiser, regularly, once a week for four (4) successive weeks, prior to the making of this affidavit, to-wit: in the issues of said paper of dates as follows: April 9th, 1919; April 16th, 1919; April 23rd, 1919; April 30th, 1919.

John P. White,

Editor and Publisher of The Moulton Advertiser.

Sworn to and subscribed before me, this the 6th day of May, 1919.

C. M. Sherrod,

Notary Public.

Also:

H. 579. To regulate and provide for the working, building, maintenance and upkeep of the public roads and bridges in Bibb county, Alabama, and prescribe manner and means of collecting and raising revenue and funds for the working, building, maintenance and upkeep of the public roads and bridges of and in Bibb county, Alabama; to regulate the public road and bridge affairs of Bibb county, Alabama; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect, and the manner and means of raising or collecting such funds, and to provide for the collection of a per capita road tax and for a license tax on all vehicles including vehicles propelled by animals, electricity, gasoline or other power whatsoever to be used for the maintenance, building, upkeep and repair of such roads and bridges and for the collection thereof.

With notice and proof attached hereto and exhibited as follows:

#### PROPOSED ROAD LAW.

Notice is hereby given that there will be introduced before the Legislature of Alabama of 1919, a bill to provide for the working of the public roads of Bibb county, Alabama:

To further regulate the working of public roads of Bibb county, Alabama. To further provide and regulate the building and repairing of bridges along the public roads of Bibb county; to further provide for and regulate the maintenance and upkeep of said public roads and bridges and to provide for the revenue for same; to further regulate the public road affairs of said county, and to provide penalties and punishments for the violations of the bill.

(1). All male inhabitants of Bibb county between the ages of eighteen and forty-five, not exempt from road duty under the general road laws of Alabama, shall be required to work upon the public roads of Bibb county five days in each year, or in lieu thereof shall pay five dollars on or before the first day of March in each year, and if said sum is not paid by said date, an additional twenty-five cents must be paid, all of which shall accrue to the road fund of said county and to provide for the collection and payment of same. All money collected or paid to said county for road or bridge purposes shall be kept separate from the other money of said county and shall be known as the road fund.

(2). The court of county commissioners shall annually levy a special road tax not to exceed one-fourth of one per cent upon the taxable property of said county, which shall be a part of the amount authorized by the Constitution to be levied for county purposes, to be assessed and collected as other taxes are assessed and collected, and which shall be paid over to the said county to the road fund monthly as collected by the tax collector of said county.

(3) The probate judge of Bibb county shall immediately after the passage and approval of the bill and on or before the 10th day of January in each year thereafter prepare or cause to be prepared official road per capita receipts which said receipts shall be countersigned by the judge of probate of said county, and by the probate judge delivered to the members of the commissioners court, the receipts to be used in the respective districts, each commissioner to be charged with the receipts delivered to him and

chargeable with the amount evidenced by the receipts to be credited at the end of the year with per capita road tax collections for which such receipts were given and for such receipts as may be returned.

(4). To provide for the collection of the per capita road taxes, the property taxes and other taxes due said road fund and the disbursement of same.

(5). Provision to prohibit the obstruction of public roads in Bibb county and penalties provided for the fraudulent issuance or fraudulent use of road receipts.

(6). In the prosecution of any road defaulter or of any person for any criminal offense relative to the public roads of said county, it shall not be necessary to prove by the records that the road is a public road, and that such proof may be made by oral testimony.

(7). To provide that the court of county commissioners for Bibb county may employ the convicts of said county in working the public roads and for building and repairing bridges, and to provide regulations and means for the employment and working of such convicts and for the maintenance and care of such convicts.

(8). To provide for the warning of those subject to road duty and to declare who shall be in default of road duty.

(9). The county court of Bibb county and justices of the peace shall have jurisdiction of prosecutions arising under this act.

(10). To provide for a license tax on all wagons, drays, trucks, or other vehicles used for the business of transporting saw logs, lumber or heavy timber or timbers along the public roads of Bibb county, Alabama, as follows: each two-horse, two-mule or two-ox wagon, truck or other vehicle used or engaged in such business, six dollars (\$6) per year; each three-horse, three-mule, or three-ox wagon, truck or other vehicle used or engaged in such business, nine dollars (\$9) per year; each four-horse, four-mule or four-ox wagon, truck or other vehicle used or engaged in such business, twelve dollars (\$12) per year; each six-horse, six-mule or six-ox wagon, truck or other vehicle used or engaged in such business, twenty dollars (\$20) per year. Each motor truck and each truck of whatever kind or description propelled by a gasoline engine, or by power generated by electricity, gasoline or kerosene or otherwise, fifty dollars (\$50) per year. And to provide for the printing, issuance and collection of such license and penalties for failure to take out such license by persons or corporations liable. And to provide for a license tax on all wagons, drays, trucks or other vehicles used on the public highways of said county, except automobiles and other vehicles used exclusively for farm purposes and while so engaged.

(11). To provide for warning those subject to road duty, to prescribe the manner in which they shall be warned and penalties for failure to work.

(12). To provide for a commission of 5 per cent for the collection of per capita tax and license tax due the road fund of Bibb county.

(13). To provide that the commissioners court of Bibb county shall have supervision of all road and bridge work of every kind and description on the public roads of Bibb county.

(14). To provide for the repeal of all laws in conflict with the provisions of this bill, and to provide that the bill shall go into effect upon its passage and approval, and to make all provisions necessary for the operation and enforcement thereof.

(15). The above being the substance of the bill that will be introduced before the next Legislature of Alabama to be passed as a local road law for Bibb county, Alabama.

The State of Alabama, }  
Bibb County. }

Before me, Frances Waller, notary public in and for the said county and State, personally appeared L. H. Nunnelee, who being by me duly sworn, deposes and says that he is editor and publisher of "The Centreville Press," a newspaper published weekly at Centreville, in Bibb county, Alabama, that the notice a copy of which is hereto attached, was inserted, published and it appeared in the said "The Centreville Press" once a week for four consecutive weeks commencing January 16, 1919, and that said notice hereto attached appeared and was published in the issue of the said paper January 16, 1919; January 23, 1919; January 30, 1919; and February 6, 1919.

L. H. Nunnelee.

Sworn to and subscribed before me on this the 8th day of July, A. D. 1919.

(Seal.)

Frances Waller,  
Notary Public.

Also:

H. 599. To regulate the fines and forfeitures of Coffee county, Alabama, to prescribe what claims shall be filed against the fine and forfeiture fund of said county, and to prescribe the order of priority in which the same shall be paid.

With notice and proof attached hereto and exhibited as follows:

#### NOTICE OF LOCAL LAW.

Notice is hereby given that a bill will be introduced during the present 1919 session of the Legislature of Alabama providing, in substance, that the claims of officers or former officers of the circuit court of Coffee county, Alabama, against the fine and forfeiture fund of Coffee county, Alabama, may be registered against said fund in addition to the claim of State witnesses; that the county treasurer of said county be authorized and required to pay out of the fine and forfeiture funds the registered claims of State witnesses and the registered claims of such officers in the order of their registration, except that the claims of State witnesses, if still in the hands of the witnesses to whom issued, shall be entitled to be paid first and before the claims of said officers; that the claims of State witnesses when transferred to another person shall not have priority of payment out of said fine and forfeiture fund, but shall be paid only in the order of their registration now provided by the general law.

This the 20th day of June, 1919.

J. A. Carnley,  
Representative of Coffee County.

State of Alabama, }  
Coffee County. }

Before me, S. H. Brock, clerk circuit court in and for said State and county, personally appeared R. C. Bryan, who being sworn, says on oath that he is editor and publisher of the Elba Clipper, a newspaper published at Elba, Coffee county, Alabama, and that the hereto attached notice was published in said newspaper once a week for four consecutive weeks, the first insertion being in issue dated June 24, 1919, and the last in issue dated July 15, 1919.

R. C. Bryan.

Sworn to and subscribed before me this 21st day of July, 1919 .

(Seal.) Clerk Circuit Court in and for said State and County. S. H. Brock,

Also:

H. 476. To fix the salary of the mayor of cities and towns of more than ten thousand and less than twenty-five thousand population, in counties of more than one hundred thousand population, according to the last Federal or State census, or according to any succeeding Federal or State census.

Also:

H. 485. To amend an act entitled an act to designate certain public roads of the State of Alabama, as State trunk roads, and to provide the manner in which such roads shall be located, improved and maintained.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate Standing Committees, as follows:

H. 365. To the Committee on Judiciary.

H. 389 and H. 405. To the Committee on Finance and Taxation.

H. 537. To the Committee on Privileges and Elections.

H. 546, H. 547, H. 548, H. 568, H. 594, H. 455, H. 579 and H. 599. To the Committee on Local Legislation.

H. 476. To the Committee on Municipalities and Municipal Organizations.

H. 485. To the Committee on Public Roads and Highways.

#### BILLS ON THIRD READING.

The bill:

S. 390. To designate a certain public road of the State of Alabama as a State trunk road and to provide the manner in which such road shall be located, improved and maintained.

Was taken up.

The following substitute offered by Mr. Prestwood for said bill, to-wit:

#### A BILL

To be entitled an act to designate a certain public road of the State of Alabama as a State trunk road and to provide the manner in which such road shall be located, improved and maintained.

Be it enacted by the Legislature of Alabama :

Section 1. That the following described road is declared a State trunk road :

"Road No. 261½. That certain road described as beginning at Florala and extending by Andalusia, River Falls, Red Level, Herbert, Evergreen, Belleville, Repton, Excell, Roy, Perdue Hill, Claiborne Landing, Gosport, Whatley, Grove Hill, Zimco, Coffeeville, Bladon Springs, Silas and to Isney in Choctaw County, Alabama."

Section 2. That the detailed location of said road between the points mentioned in section 1 of this act shall be established and designated by the State highway department without unnecessary delay and the improvement and maintenance of said road as one of the trunk roads of the State shall be in accordance with standards established by the State highway department and such improvement and maintenance shall be subject to the approval of the State highway engineer. That it shall be unlawful for any monies appropriated by the State of Alabama to aid in the construction or building of roads to be expended on any road other than the roads designated by the Legislature of Alabama as "trunk roads."

Section 3. The propriety of locating, constructing and maintaining said road shall not be within the discretion of the State highway department nor the State highway engineer, any law to the contrary notwithstanding.

Section 4. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Was adopted.

Yeas, 23; nays, 0.

*Yeas :*

Messrs:

Acker	Craft	Morris	Sims
Beale	Ellis	McDowell	Smith (Coosa)
Bedsole	Espy	Phillips	Smith (Lawrence)
Butler	Evins	Prestwood	Tally
Carlton	Griffith	Rogers (Lauderdale)	West
Carmichael	Moore	Rogers (Sumter)	

—23

*Nays :—None.*

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 25; nays, 0.

*Yeas :*

Messrs:

Acker	Bedsole	Butler	Carmichael
Beale	Briscoe	Carlton	Craft



Ellis	Miller	Phillips	Smith (Coosa)
Espy	Moore	Prestwood	Smith (Lawrence)
Griffith	Morris	Rogers (Lauderdale)	Tally
Kelly	McDowell.	Rogers (Sumter)	West
Leith			

—25

*Nays*:—None.

The bill:

H. 436. To authorize all counties having a population of 18,889 and not exceeding 18,890 according to the last Federal census to prescribe punishment for not working the public roads in such counties and to determine what shall constitute a legal excuse for failure to work public roads after due notice is given.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

*Yeas*:

Messrs:

Acker	Carlton	Moore	Rogers (Sumter)
Baker	Carmichael	Morris	Smith (Coosa)
Beale	Cowan	Phillips	Smith (Lawrence)
Bedsole	Ellis	Prestwood	Tally
Briscoe	Espy	Rogers (Lauderdale)	West
Butler	Evins		

—22

*Nays*:—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has adopted:

S. J. R. 110. Resolved by the Senate, the House concurring, That when the two houses adjourn today they adjourn to reconvene at 10:00 o'clock A. M., on Wednesday next, August 13, 1919.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Acker, the Senate non-concurred in the following amendment by the House to S. J. R. 110, set out in the foregoing message from the House, to-wit:

Amend S. J. R. No. 110, as follows: By striking out date for re-convening, viz: "Wednesday, August 13" and by inserting in lieu thereof: "Tuesday, August 12," and by striking out the hour fixed for reassembling and providing in lieu thereof that the hour for reassembling be left to each house.

And requests a Committee of Conference, and the President of the Senate appointed as conferees on the part of the Senate Messrs. Acker and Butler.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted:

S. J. R. 102. Relative to preservation of letters written by Sumter county men in the war.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House accedes to the request for the return to the Senate of the following bills:

By Mr. Gunter:

S. 157. To repeal an act entitled, "An act to limit costs in civil suits other than unlawful detainer suits involving not more than fifty (\$50.00) dollars, brought or instituted in inferior courts located or established in counties having a population of not less than 80,000 or more than 100,000, according to the last Federal census or any subsequent Federal census," approved September 17, 1915.

By Mr. Gunter:

S. 158. To amend section 1 of an act entitled, "An act to regulate the procedure in unlawful detainer suits brought by a landlord against his tenant in counties of less than 100,000 and more than 80,000 of population according to the last Federal census or any subsequent Federal census; to prescribe the clerk's and sheriff's fees in such suits; and to provide for and regulate appeals therein, including the bonds to be given on appeal," approved September 18, 1915.

And returns same herewith.

Fred H. Gormley,  
Clerk.

HOUSE MESSAGE.

On motion of Mr. Gunter, the President of the Senate referred Senate bills No. 157 and 158, the titles of which are set out in the foregoing message from the House, to the Committee on Revision of Laws.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House accedes to the request of the Senate for a Conference Committee on the disagreement of the two houses on the House amendment to S. J. R. 110, and the committee on the part of the House, Messrs. Lynne, Tunstall and Murphree.

Fred H. Gormley,  
Clerk.

## BILLS ON THIRD READING RESUMED.

The bill:

S. 421. To amend an act entitled an act to amend section 3022 of the Code of Alabama, approved September 25, 1915.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Acker	Craft	Miller	Rogers (Lauderdale)
Baker	Espy	Moore	Rogers (Sumter)
Beale	Evins	Morris	Smith (Coosa)
Bedsole	Griffith	McDowell	Smith (Lawrence)
Butler	Kelly	Phillips	Tally
Carmichael	Leith	Prestwood	West
Cowan			

—25

Nays:—None.

The bill:

S. 370. To amend section 5877 of the Civil Code of Alabama.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Acker	Cowan	McDowell	Sims
Baker	Craft	Phillips	Smith (Coosa)
Beale	Espy	Prestwood	Smith (Lawrence)
Butler	Evins	Rogers (Lauderdale)	Tally
Carlton	Huddleston	Rogers (Sumter)	West
Carmichael	Morris		

—22

Nays:—None.

The bill:

S. 381. For the relief of Annie B. Moore.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

*Yeas:**Messrs:*

Acker	Craft	Miller	Rogers (Sumter)
Baker	Ellis	McDowell	Sims
Bedsole	Espy	Nance	Smith (Coosa)
Butler	Evins	Phillips	Smith (Lawrence)
Carlton	Griffith	Prestwood	Tally
Carmichael	Gunter	Rogers (Lauderdale)	West
Cowan	Huddleston		

—26

*Nays:*—None.**The bill:**

S. 398. To fix the salaries of the several justices of the Supreme Court.

Was taken up.

Mr. Tally moved to postpone consideration of this bill until the next legislative day, which motion was lost.

Mr. Acker offered the following amendment to said bill:

Amend by striking out the words: "Seven thousand five hundred" and inserting in lieu thereof the words: "Six thousand."

Pending the consideration of said amendment,

**RECESS.**

At 1:10 P. M., on motion of Mr. Rogers of Sumter, the Senate took a recess until 2:30 o'clock this afternoon.

**AFTERNOON SESSION.**

Friday, August 8th, 1919.

The Senate re-assembled at 2:30 o'clock P. M., President Pro Tem Bedsole presiding.

**ROLL CALL.**

On a call of the roll, 25 members answered present, a quorum of the Senate.

**MESSAGE FROM THE HOUSE.**

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Lynne:

H. J. R. 116. Be it resolved by the House, the Senate concurring, That when adjournment is had today, same be had to Wednesday, August 13th, next; that the hour for reassembling be left to each house for its determination.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Acker, House joint resolution 116, set out in the foregoing message from the House, was concurred in by the Senate.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Jones of Montgomery:

H. J. R. 107. Whereas, the great world war has aroused the peoples of the world to the necessity of perpetuating the principles of democracy that despotic governments may never again menace the liberties of the world, and

Whereas, it is recognized by students of conditions in America that our people understand none too well the great influence the principles embodied in the Constitution of the United States have had in preserving those liberties by safeguarding the greatest good for the greatest number, and

Whereas, it is well known that there are misguided persons in America who do not understand the true purpose and intent of our Constitution and who by word and deed are seeking to obstruct our government in exercising its proper functions, and are producing discontent and unrest by anarchistic, bolshevistic and other unpatriotic utterances,

Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring, That the Legislature of the State of Alabama endorses the movement for the celebration and observance of the seventeenth day of September as Constitution Day, and further commends the efforts being made by patriotic individuals and societies to make better known to our people the purpose, scope and great significance of the Constitution of the United States which was adopted on that date, and

Be it further resolved, That the Legislature of Alabama deems it the privilege of Americans today to consecrate that liberty pre-

served through the sacrifices of our soldiers and sailors by encouraging patriotic education that the undermining influences of ignorance, hate and misunderstanding of our institutions may be lessened and a higher ideal of citizenship stimulate and inspire our people.

And send same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

H. J. R. 107, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

#### UNFINISHED BUSINESS.

The Senate proceeded to consider the unfinished business of the morning session, which was the amendment offered by Mr. Acker, and set out in the morning session, to the bill:

S. 398. To fix the salaries of the several justices of the Supreme Court.

Mr. Carmichael moved to lay the amendment offered by Mr. Acker and set out in the morning session on the table, which motion prevailed and said amendment was laid on the table.

Yeas, 17; nays, 13.

#### Yeas:

##### Messrs:

Bedsole	Ellis	Gunter	McDowell
Butler	Espy	Huddleston	Rogers (Lauderdale)
Carlton	Evins	Miller	Rogers (Sumter)
Carmichael	Griffith	Moore	West
Craft			

—17

#### Nays:

##### Messrs:

Acker	Cowan	Nance	Smith (Coosa)
Baker	Kelly	Phillips	Smith (Lawrence)
Beale	Morris	Prestwood	Tally
Brown			

—13

And said bill was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 18; nays, 11.

#### Yeas:

##### Messrs:

Bedsole	Ellis	Huddleston	Prestwood
Butler	Espy	Miller	Rogers (Lauderdale)
Carlton	Evins	Moore	Rogers (Sumter)
Carmichael	Griffith	McDowell	West
Craft	Gunter		

—18

*Nays:*

## Messrs:

Acker	Brown	Nance	Smith (Lawrence)
Baker	Cowan	Phillips	Tally
Beale	Morris	Smith (Coosa)	—11

## PAIR ANNOUNCED.

Mr. Kelly announced that he and Mr. Sims were paired on this vote; that Mr. Sims, if present, would vote yea and he, Mr. Kelly, would vote nay.

The bill:

S. 399. To fix the salary of the several judges of the Court of Appeals.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 15; nays, 12.

*Yeas:*

## Messrs:

Bedsole	Ellis	Gunter	Prestwood
Carlton	Espy	Miller	Rogers (Sumter)
Carmichael	Evins	Moore	West
Craft	Griffith	McDowell	—15

*Nays:*

## Messrs:

Acker	Brown	Morris	Smith (Coosa)
Baker	Butler	Nance	Smith (Lawrence)
Beale	Cowan	Phillips	Tally
			—12

## PAIR ANNOUNCED.

Mr. Kelly announced that he and Mr. Sims were paired on this vote; that Mr. Sims, if present, would vote yea and he, Mr. Kelly, would vote nay.

## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House joint resolutions, your signature thereto is requested:

H. J. R. 88. Relative to accepting the invitation of the Rooster Road Committee to attend a public celebration in the town of Demopolis on August 14th, and setting aside said date as a non-legislative day.

Also:

H. J. R. 95. Relative to the creation of a joint committee to examine into the status and affairs, needs and requirements, present utility and capacity for future usefulness of the Mercy Home Industrial School for Girls.

Fred H. Gormley,  
Clerk.

## SIGNING OF RESOLUTIONS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been public read at length by the Secretary of the Senate, signed the following resolutions:

H. J. R. 88. Relative to accepting the invitation of the Rooster Road Committee to attend a public celebration in the town of Demopolis on August 14th, and setting aside said date as a non-legislative day.

Also:

H. J. R. 95. Relative to the creation of a joint committee to examine into the status and affairs, needs and requirements, present utility and capacity for future usefulness of the Mercy Home Industrial School for Girls.

## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bills, your signature thereto is requested:

H. 275. To provide for the fencing or closing in of unused wells, cisterns, or mining shafts in this State.

Also:

H. 182. To prohibit the keeping, exhibiting or operating of pool or billiard tables, on which the public can play outside incorporated cities and towns having a police force.

Also:

H. 83. To regulate the right to carry a pistol in this State.

Fred H. Gormley,  
Clerk.

## SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been public read at length by the Secretary of the Senate, signed the following bills:

H. 275. To provide for the fencing or closing in of unused wells, cisterns, or mining shafts in this State.

Also:

H. 182. To prohibit the keeping, exhibiting or operating of pool or billiard tables, on which the public can play outside incorporated cities and towns having a police force.

Also:

H. 83. To regulate the right to carry a pistol in this State.



## ADJOURNMENT.

At 4 P. M., on motion of Mr. Baker and pursuant to H. J. R. 116, the Senate adjourned until 10 o'clock Wednesday, August 13, 1919.

## THIRTY-FIFTH DAY.

Wednesday, August 13, 1919.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

## PRAYER.

By Rev. Dr. Smith, formerly Chaplain of the Rainbow Division.

## ROLL CALL.

## Present:

Mr. President and

Messrs:

Acker	Craft	Kelly	Prestwood
Beale	Ellis	Leith	Rogers (Lauderdale)
Bedsole	Espy	Miller	Rogers (Sumter)
Briscoe	Evins	Moore	Sims
Brown	Griffith	Morris	Smith (Coosa)
Butler	Gunter	McDowell	Smith (Lawrence)
Carlton	Harper	Nance	Tally
Carmichael	Huddleston	Phillips	West
Cowan			

—33

## JOURNAL.

On motion of Mr. Phillips, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## LEAVE OF ABSENCE.

On motion of Mr. Prestwood indefinite leave of absence was granted Mr. Baker.

## INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read read one time and referred to appropriate standing committees, as follows:

By Mr. Acker:

S. 472. To amend section 3265 of the Code of 1907.

Finance and Taxation.

Also:

S. 473. To authorize the governor to provide for the use of funds, special or general, in the treasury, when needed to meet the obligations of the State.

Finance and Taxation.

By Mr. Briscoe:

S. 474. To designate the register in chancery of all counties having a population of not less than 36,000 and not more than 37,000, as acting treasury of their respective county, where the commissioners court, county board of revenue or like governing body, fails, neglects or refuses to designate any bank in said county as a repository of county funds as now provided by law; to fix the salary to be paid such register in chancery for his services as acting county treasurer and to provide for the payment of the same.

Judiciary.

By Mr. West:

S. 475. To regulate and define the power and jurisdiction of constables in all counties in the State of Alabama having a population of 200,000 or more, according to the last or any future Federal census.

Local Legislation.

Also:

S. 476. To vacate the dedication of all streets, avenues, and alleys, public highways and public passage ways, into, through, over, on, or across the following described property, situated in the city of Birmingham, and State of Alabama.

Local Legislation.

(With notice and proof thereto attached and herewith exhibited as follows:)

State of Alabama, }  
Jefferson County. }

Personally appeared before me, Susan E. Wright, a notary public in said county in said State, R. A. Mullins, who being duly sworn on oath deposes and says that he is the business manager of the Birmingham Age-Herald, a newspaper published in the city of Birmingham, county of Jefferson and State of Alabama, and as such has authority to make this affidavit; that attached to this affidavit is a copy of an advertisement with reference to a bill to be introduced in the Legislature of Alabama to vacate certain streets, avenues, alleys, public highways, and public passage ways, into, through, over, on or across certain property situated in the city of Birmingham, Alabama; that said copy as attached to this affidavit is an exact duplicate of an advertisement which appeared in the said Birmingham Age-Herald once a week for four consecutive weeks, that the dates on which the said advertisement appeared in the said Birmingham Age-Herald were, to-wit: July 20th, July 27th, August 3rd, and August 10th, all in the year 1919.

R. A. Mullins.

Sworn to and subscribed before me this the 11th day of August, 1919.

Susan E. Wright,  
Notary Public.

(Seal.)

### NOTICE.

Notice is hereby given that at the present session of the Legislature of the State of Alabama, application will be made for the enactment of the following bill:

An act to vacate the dedication of all streets, avenues and alleys, public highways and public passage ways, into, through, over, on or across the following described property, situated in the city of Birmingham and State of Alabama:

Beginning at the southeast (SE) corner of Thirty-second (32nd) street and First (1st) avenue, north;

Thence running southwardly along the said street four hundred and fifteen (415) feet to the common railroad right of way, that is, a line running parallel with and eighty-five (85) feet northward of the center of the Alabama Great Southern Railroad;

Thence eastward along said right of way about thirty-four hundred (3400) feet to the limits of the property formerly belonging to the Elyton Land company, that is, the east side of section thirty (30), township seventeen (17), range two (2) west;

Thence north along the said section line about three hundred (300) feet, more or less, to a point one hundred and eighty-eight (188) feet south of the center of the said east side of said section thirty (30);

Thence west three hundred and eighty (380) feet to the south side of said First (1st) avenue;

Thence westward along the said avenue about thirty-two hundred and fifteen (3215) feet to the point of beginning:

And also a right of way which lies east of Thirty-second (32nd) street, and which is more particularly described as follows, to-wit: A strip of land twenty-five hundred and ten (2510) feet in length and eleven (11) feet in width off of what has heretofore been known and designated as the common railroad right of way, said strip of land lying immediately alongside and south of the Mary Pratt property, hereinabove described, and off of the north side of said common railroad right of way hereinabove mentioned, and more particularly described as follows:

Beginning at the southwest (SW) corner of the Mary Pratt property hereinabove described at a point on Thirty-second street (32nd) street four hundred and fifteen (415) feet in a southerly direction from the junction of First (1st) avenue and Thirty-second (32nd) street;

Thence running in an easterly direction twenty-five hundred and ten (2510) feet;

Thence at a right angle in a southerly direction eleven (11) feet.

Thence in a westerly direction twenty-five hundred and ten (2510) feet;

Thence in a northerly direction eleven (11) feet to the point of beginning.

Be it enacted by the Legislature of Alabama:

Section 1. That the dedication of all streets, avenues, alleys, public highways and public passage ways, into or through the following described land situated in the city of Birmingham be and the same are hereby annulled, and that all the streets, avenues, alleys, public highways and public passage ways, through the property hereinafter described shall forever cease to be public highways, and that all right of the public as a result of

any dedication of streets, avenues, alleys, public highways and public passage ways, into or through said property, be, and the same are hereby relinquished and abandoned. Said property is described as follows:

Beginning at the southeast (SE) corner of Thirty-second (32nd) street and First (1st) avenue, north;

Thence running southwardly along the said street four hundred and fifteen (415) feet to the common railroad right of way, that is, a line running parallel with and eighty-five (85) feet northward of the center of the Alabama Great Southern Railroad;

Thence eastward along said right of way about thirty-four hundred (3400) feet to the limits of the property formerly belonging to the Elyton Land Company, that is, the east side of section thirty (30), township seventeen (17), range two (2) west;

Thence north along the said section line about three hundred (300) feet, more or less, to a point one hundred and eighty-eight (188) feet south of the center of the said east side of said section thirty (30);

Thence west three hundred and eighty (380) feet to the south side of said First (1st) avenue;

Thence westward along the said avenue about thirty-two hundred and fifteen (3215) feet to the point of beginning;

And also a right of way which lies east of Thirty-second (32nd) street, and which is more particularly described as follows, to-wit: A strip of land twenty-five hundred and ten (2510) feet in length and eleven (11) feet in width, off of what has heretofore been known and designated as the common railroad right of way, said strip of land lying immediately alongside and south of the Mary Pratt property, hereinabove described, and off of the north side of said common railroad right of way hereinabove mentioned, and more particularly described as follows:

Beginning at the southwest (SW) corner of the Mary Pratt property hereinabove described at a point on Thirty-second (32nd) street four hundred and fifteen (415) feet in a southerly direction from the junction of First (1st) avenue and Thirty-second (32nd) street;

Thence running in an easterly direction twenty-five hundred and ten (2510) feet;

Thence at a right angle in a southerly direction eleven (11) feet;

Thence in a westerly direction twenty-five hundred and ten (2510) feet;

Thence in a northerly direction eleven (11) feet to the point of beginning.

Section 2. There has been doubt and uncertainty as to what, if any, streets, avenues, alleys, public highways and public passage ways, have heretofore in any way been dedicated into or through that tract of land, set out in section 1 of this act, and it is the purpose and intention of all this bill to enact and it is hereby enacted that all streets, avenues, alleys, public highways and public passage ways which have heretofore in any manner been dedicated into or through said property, shall forever cease to be public highways, and that all rights of the public into or through said property as the result of any dedication of streets, avenues, alleys, public highways or public passage ways, be and the same are hereby relinquished and abandoned.

By Mr. West:

S. 477. To amend an act approved September 25th, 1915, to provide a mode whereby cities in the State of Alabama which shall have heretofore adopted or may hereafter adopt a commis-

sion form of government as authorized by law, may after an election upon such question, abandon such commission form of government and return to the aldermanic form of government as the same existed therein at the time of adoption of commission form of government.

#### Municipalities and Municipal Organizations.

Also:

S. 478. To amend section 7516 of the Code of 1907.

Judiciary.

By Mr. Bedsole:

S. 479. To regulate and fix the compensation of witnesses before the grand jury and in all cases in the county court and circuit court of Clarke county.

#### Local Legislation.

(With notice and proof thereto attached and herewith exhibited as follows:)

#### NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature fixing the fees and compensation of witnesses subpoenaed on the part of the State to appear before the grand jury of Clarke county, before the county court of Clarke county, or before the circuit court of Clarke county, and to provide for the payment of the same, and to repeal all laws, general or local, in conflict therewith, so far as the same applies to Clarke county, Alabama.

State of Alabama, }  
Clarke County. }

Before me, O. W. Tucker, a notary public in and for said State and county, personally appeared G. A. Carlton, who being by me first duly sworn deposes and says:

That he is the editor of the "Clarke County Democrat," a newspaper published at Grove Hill, Alabama, in Clarke County; that the attached notice of a bill proposed to be introduced in the Legislature of Alabama, was given by publication in said newspaper for four consecutive weeks, the dates of the publications containing said notice being as follows, viz: July 3rd, 1919, July 10th, 1919, July 17th, 1919, and July 24th, 1919; and that the attached notice is the exact notice which appeared and was published in said paper for said four consecutive weeks as above set forth.

G. A. Carlton,  
Editor "Clarke County Democrat."

Sworn to and subscribed before me this 11th day of August, 1919.

O. W. Tucker,  
Notary Public.

By Mr. Bedsole:

S. 480. To abolish the town of Grove Hill and to dissolve the incorporation thereof.

#### Municipalities and Municipal Organizations.

(With notice and proof thereto attached and herewith exhibited as follows:)

## NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature, the substance of which is as follows:

## A BILL

To be entitled an act to abolish the town of Grove Hill and to dissolve the incorporation thereof.

Be it enacted by the Legislature of Alabama:

Sec. 1. That the town of Grove Hill, in Clarke county, Alabama, be abolished and the incorporation thereof be dissolved.

State of Alabama, }  
Clarke County. }

Before me, O. W. Tucker, a notary public in and for said State and county, personally appeared G. A. Carlton, who being by me first duly sworn deposes and says:

That he is the editor of the "Clarke County Democrat," a newspaper published at Grove Hill, Clarke county, Alabama; that the attached notice of a bill proposed to be introduced in the Legislature of Alabama, was given publication in said newspaper for four consecutive weeks, the dates of the publications containing said notice being as follows, viz: July 3rd, 1919, July 10th, 1919, July 17th, 1919, and July 24th, 1919; and that the attached notice is the exact notice which appeared and was published in said paper for said four consecutive weeks as above set forth.

G. A. Carlton,  
Editor "Clarke County Democrat."

Sworn to and subscribed before me this the 11th day of August, 1919.

O. W. Tucker,  
Notary Public.

By Mr. Morris:

S. 481. To provide for the consolidation of schools in counties of this State having not less than 21,600 nor more than 22,000 population according to the Federal census of 1910.

Education.

By Mr. Morris:

S. 482. To provide for the subdivision of counties into school attendance districts, and to provide for the attendance officers under the compulsory education law in counties of this State having a population of not less than 21,000 nor more than 22,000 according to the Federal census of 1910.

Education.

Also:

S. 483. To repeal an act to establish a Court of Appeals for the State of Alabama, and to provide for the transfer of certain causes now pending in the Supreme Court to said Court of Appeals, approved March 9, 1911; to provide for the transfer from the said Court of Appeals to the Supreme Court all unfinished business on the dockets of the said court, and to provide for the disposition of its records.

Judiciary.

By Mr. McDowell:

S. 484. To authorize the clerk of the Court of Appeals of Alabama to employ an assistant and fix his salary.

Finance and Taxation.

Also:

S. 485. To fix the salary of the clerk of the Court of Appeals of Alabama.

Finance and Taxation.

By Mr. Gunter:

S. 486. To amend an act entitled "An act to amend section 3795 of the Code of Alabama of 1907.

Revision of Laws.

Also:

S. 487. To authorize cities of Alabama which have as many as twenty-five thousand and less than fifty thousand of inhabitants according to the last Federal census, or which may hereafter have such population according to any Federal census hereafter taken, to ratify, confirm and legalize grants, rights, contracts, agreements, undertakings, and payments having relation to the military operations of the United States, whether the property involved, either real or personal, is situated within or without the limits of such cities; and to deal with, dispose of, conserve, manage and preserve such property.

Municipalities and Municipal Organizations.

By Mr. Nance:

S. 488. To make an appropriation for certain fencing required for the Confederate Soldiers' Home at or near Mountain Creek.

Finance and Taxation.

By Mr. Ellis (by request):

S. 489. To create and provide a health unit and an all-time health officer for Dallas county, Alabama; to define his powers, authority and duties; and to provide for his compensation and the expenses incident to his office and the operations of said health unit.

Public Health.

(With notice and proof thereto attached and herewith exhibited as follows:)

#### NOTICE.

Notice is hereby given that during the session or sitting of the present Legislature of Alabama commencing in July, 1919, a bill will be introduced in said Legislature, and an effort made to have same enacted into law to create and provide a health unit and an all-time health officer for Dallas county, Alabama; to define his authority, power and duties; and to provide for his compensation and the expenses incident to his office and the opera-

tion of said health unit, which will be in substance-towit: To create and provide a health unit and the office of all-time health officer for Dallas county; to define the authority, powers and duties of said officer; providing that said officer shall be appointed or elected and removed as now or hereafter provided by law for the appointment, or election or removal of county health officers, and shall have all the power and authority conferred by law on county health officers, and perform all the duties required by law of such county health officers; that he shall devote all his time to his official work, and under direction of the State Health Officer and County Board of Health, have sole control and direction of all sanitary and public health work within the county, including municipalities therein; and subject to approval of the county board of health, employ physicians, nurses, inspectors and assistants as are found necessary to accomplish the work and to create and maintain an efficient health unit in and for said county; the compensation of said county health officer, and such physicians, nurses, inspectors and assistants, and the expenses incident to his office and said work shall be paid as follows: 50 per cent by the court of county revenues of the county; 25 per cent by the city of Selma, and 25 per cent by the school board of Dallas county, out of the three mill school tax; that the minimum amount so provided from the three mill school tax, or such portion of said percent as may be necessary shall be applied to remedy and correct physical defects of children of school age, so as to render them fit as school pupils and students.

The State of Alabama, }  
County of Dallas. }

Before me, H. F. Cooper, a notary public in and for said county in said State personally appeared F. S. Kinsey, who is to me well known, and who being by me first duly sworn, deposes and on his oath says: that the attached notice did appear for four consecutive weeks in the Selma Journal, that the first insertion thereof was on July 5, 1919; that said Selma Journal is a newspaper published in Dallas county, Alabama, and that deponent is the publisher thereof; and said publication was made without expense to the State of Alabama.

F. S. Kinsey.

Sworn and subscribed to before me this 8th day of August, 1919.

H. F. Cooper,

Notary Public, Dallas County, Alabama.

By Mr. Carmichael:

S. 490. To close and abandon certain described portions of certain streets, avenues, alleys, etc., in the city of Sheffield, county of Colbert and State of Alabama, and certain wharves, docks, landing places and other public places within the said city of Sheffield, county of Colbert and the State of Alabama.

Rules.

(With notice and proof thereto attached and herewith exhibited as follows:)

#### NOTICE OF PROPOSED LOCAL LAW.

Notice is hereby given, as required by section 106 of the Constitution of the State of Alabama, that at the present session of the Legislature of the State of Alabama, a bill will be introduced and passed as follows:



## A BILL

To be entitled an act to close and abandon certain described portions of certain streets, avenues, alleys, etc., in the city of Sheffield, county of Colbert and State of Alabama, and certain wharves, docks, landing places and other public places within the said city of Sheffield, county of Colbert and the State of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the following streets, avenues, alleys, wharves, docks, landing places and other public places and portions of streets, avenues, wharves, docks, landing places and other public places in Sheffield, Alabama, all being comprised within the boundaries of U. S. Nitrate Plant No. 1, be and the same are hereby closed, vacated and abandoned as streets, avenues, alleys, wharves, docks, landing places or other public places of said city:

First street—All.

The unnumbered street dividing blocks 491 and 568—All.

Second street—All.

Unnumbered street dividing blocks 492, 545 and 569—All.

Third street—All.

Unnumbered street dividing blocks 493, 518, 546 and 570—All.

Fourth street—All.

The unnumbered street dividing blocks 494, 519, 547, 571—All.

Fifth Street—All.

The unnumbered street dividing blocks 495, 520, 548, 572 and 590—All.

That portion of Sixth street between the center of the unnumbered avenue lying between 18th avenue and 17th avenue and the tract designated on the Treveres' map of Sheffield as "Landing."

The unnumbered street dividing blocks 496, 521, 549, and also the southwest half of the same unnumbered street where it divides blocks 573 and 591.

That portion of Seventh street lying between the center line of the unnumbered avenue lying between 17th and 18th avenues and 22nd avenue.

The unnumbered street dividing blocks 497, 522, and 550.

That portion of Eighth street lying between the center line of an unnumbered avenue lying between 17th and 18th avenues and 22nd avenue.

That portion of the unnumbered street dividing blocks 498 and 523 lying between 19th avenue and the Lady Ensley Furnace tract.

That portion of Ninth street lying between the center line of the unnumbered avenue between 17th and 18th avenues and 20th avenue.

The unnumbered street dividing block 499.

That portion of Tenth street lying between the center line of the unnumbered avenue between 17th and 18th avenues and the Lady Ensley Furnace Tract.

That portion of the unnumbered street dividing blocks 500 and 525 lying between 19th avenue and the Lady Ensley Furnace tract.

That portion of eleventh avenue from the center line of the unnumbered avenue between Seventeenth and Eighteenth avenues and the Lady Ensley Furnace tract.

The northeast half of that part of the unnumbered street running from Railroad avenue to 18th avenue, which lies adjacent to lot 4 in block 411-A and adjacent to Block 400-B; also all of the same street lying between blocks 439 and 440-A, and also the unnumbered street dividing blocks 501, 526 and 554.

The Northeast half of that portion of 12th street which lies between a line parallel to the northwest side of block 412-B and 31 feet, 1½ inches

southeast therefrom, extended to cut 12th street, and a line parallel to 17th avenue and dividing block 412-A into two equal parts, likewise extended to cut 12th street, together with the remainder of 12th street from its intersection with the line last defined to 22nd avenue.

The unnumbered street dividing blocks 502, 527 and 555.

That portion of Thirteenth street described as follows: Commencing at a point found by projecting a line parallel with the northwestern boundary line of block 412-B and 31 feet  $1\frac{1}{2}$  inches southeast thereof, across said Thirteenth street; thence to the northernmost corner of lot 13 in block 555-B.

The unnumbered street dividing block 503.

The unnumbered street lying between blocks 503, 504, 474, 475, 442 and 444.

That portion of Fourteenth street lying between block 413 and a line commencing at the intersection of the center line of 17th avenue with the center line of 14th street and extending along the center of 14th street and parallel to the eastern boundary line of block 413, to a point where a line drawn through block 412-B parallel to the northwestern boundary of said block 412-B and 31 feet and  $1\frac{1}{2}$  inches southeast thereof intersects the center line of said street.

The southwest one-half of that part of fifteenth street lying between blocks 444 and 445 and 475 and 476, being that half of said street lying next to said blocks 444 and 475.

That portion of the unnumbered avenue lying between Sixteenth avenue and Seventeenth avenue, from block 402 to Memphis & Charleston Railroad shops. Also that portion of the same unnumbered avenue lying between the center line of Twelfth street and block 413.

That portion of Seventeenth avenue from the corporate limits to the Memphis & Charleston Railroad shops and from the center line of the unnumbered street lying between Eleventh and Twelfth streets to the center line of Fourteenth street, and the northwest half of that portion of said Seventeenth avenue lying between the center line of Fourteenth street and the center line of Fifteenth street.

That portion of the unnumbered avenue lying between Seventeenth and Eighteenth avenues described as follows: Commencing at block 430; thence northeasterly to the point where the center line of said avenue is intersected by a line drawn along the northeast boundary of block 433-B, and extended to the center of said avenue; and from that point the northwest  $\frac{1}{2}$  of said unnumbered avenue, being that half of said avenue lying next to blocks 433-A, 434, 435, 436, 437, 438 and 439, including in the portion closed the ground covered by the intersecting streets; and also that part of said unnumbered avenue from the center line of the unnumbered street lying between 11th and 12th streets to block 443.

All that portion of Eighteenth avenue from the corporate limits to the center line of Fifteenth street.

The unnumbered avenue lying between Eighteenth and Nineteenth avenues from Second street to Fourteenth street.

Nineteenth avenue from the corporate limits to Fifteenth street.

Twentieth avenue from the corporate limits to Fourteenth street.

Twenty-first avenue from the corporate limits to a line parallel to Eighth Street and connecting the center line of Twenty-second avenue with the westernmost corner of the Lady Ensley Furnace tract, and that portion of the same avenue from the Lady Ensley Furnace tract to the northeast projection of the northern boundary of block 528.

Twenty-second avenue from the corporate limits to the center line of the unnumbered street lying between Sixth and Seventh streets; and also

that portion of the southwest half of Twenty-second avenue lying next to blocks 549-B, 550 and 551-A, up to a point where a line parallel with Eighth street dawn from the westernmost corner of the Lady Ensley Furnace tract to Twenty-second avenue intersects the center line of Twenty-second avenue.

Also Twenty-third avenue from the tract marked on the Treveres' map of Sheffield as "Landing" to the center line on the unnumbered street lying between Sixth and Seventh streets.

That portion of the tract or parcel or piece of land designated on said Treveres' map as "Landing" from the mouth of Spring Creek to a line projected across said tract, being the center line of the unnumbered street lying between Sixth and Seventh streets projected to the Tennessee river at low water mark.

Also that piece, parcel or tract of land shown on said Treveres' map of Sheffield, Alabama, to extend from lot 5 in block 517 along the right bank of Spring Creek to lot 15 in block 568-A.

Section 2. Be it further enacted: That all laws or parts of laws in conflict with this act be, and the same are hereby repealed.

The State of Alabama, }  
Colbert County. }

Personally appeared before me, the undersigned justice of the peace, Frank N. Julian, who being duly sworn deposes and says that he is the editor of the Sheffield Standard, a weekly newspaper published in the city of Sheffield, county of Colbert, State of Alabama, and that the advertisement hereto attached entitled, "Notice of Proposed Local Law," was duly published in the said Sheffield Standard for four consecutive weeks, to-wit: July 18th, July 25th, August 1st and August 8th, 1919.

Frank N. Julian,  
Editor Sheffield Standard.

Sworn to and subscribed before me this 9th day of August, 1919.

Peter Schant,  
Justice of the Peace.

By Mr. Evins:

S. 491. To amend section 1491 of the Code of Alabama.

Judiciary.

Also:

S. 482. To amend section 2818 of the Code of Alabama, 1907.

Judiciary.

Also:

S. 493. To authorize the recording, acknowledgment or probation of bonds for title, or other written contracts, relating to lands and to prescribe the effect thereof.

Judiciary.

Also:

S. 494. To amend section 3361 of the Code of Alabama of 1907.

Judiciary.

Also:

S. 495. To repeal section 4161 of the Code of Alabama, 1907.

Judiciary.

By Mr. Craft:

S. 496. To extend the term of office in all cities having a commission form of government, of the commissioner to be elected in the year 1919, having a population of not less than 50,500, nor more than 100,000, according to the last Federal census, and to provide for an election at the end of the term as extended.

Municipalities and Municipal Organizations.

Also:

S. 497. To provide for the election of county road engineers in counties having a population of not less than eighty thousand, nor more than eighty two thousand, according to the Federal census of 1910, and to fix their duties and compensation.

Local Legislation.

By Mr. Kelly:

S. 498. To make an appropriation for the purchase of grounds and buildings and the erection of buildings, the proper equipment of the buildings of the State Normal School of Daphne, Alabama.

Finance and Taxation.

By Mr. Kelly:

S. 499. To make an appropriation for the erection of a dormitory for the State Normal School at Daphne, Alabama, and prescribing the conditions therefor.

Finance and Taxation.

By Mr. Griffith:

S. 500. Providing for the establishment and construction of a trunk highway from Garden City, Cullman county, Alabama, to the Jefferson county line, along and over the abandoned track bed of the Louisville & Nashville Railroad, which has been dedicated to the State for public highway.

Finance and Taxation.

#### REPORTS OF COMMITTEES.

Mr. Butler, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gunter:

S. 412. To amend section 4 of "An act to fix the compensation of circuit judges, circuit solicitors, and assistant solicitors in all circuits of the State of Alabama which circuits are composed of only one county and having two or more judges, or which circuits may hereafter have two or more judges, and to

provide that a portion of such salaries be paid out of the county treasury of the counties constituting the respective circuits.

By Mr. Baker:

S. 425. To prohibit the levying or collecting of any license or privilege tax or fee on any wagon used exclusively in connection with the cultivation of farms, or the marketing of the products of the farm or forest occupied as owner or tenant by the owner of such wagon; in counties of not less than 30,815 nor more than 30,915 population according to the Federal census of 1910.

By Mr. Baker:

S. 262. To provide for the payment of expenses for automobiles for the use of sheriffs in the discharge of their duties as such, in counties of not less than 30,815, nor more than 30,915 population according to the Federal census of 1910.

By Mr. Craft:

S. 395. To change the amount, or fix the amount, of the salary or compensation to be paid to the county treasurer of any county of the State, having a population of eighty thousand or over according to the last or any succeeding Federal census; to provide the method and manner of its payment; and to repeal all laws or parts of laws, general, local, or special, in conflict with this act.

By Mr. Bedsole (with amendment):

S. 247. To establish a child welfare department for the State of Alabama, to prescribe its duties, functions and powers, to provide for the appointment of an executive and other officers of such department, to define their duties, to provide for their compensation, and to provide for the maintenance and other expenses of such department.

By Mr. Baker (with amendment):

H. 12. To amend an act entitled, "An act to amend section 3317 of the Code of Alabama, 1907. Relates to the publication of receipts and disbursements, by counties," approved September 25, 1915.

By Mr. Baker (with amendment):

S. 351. To require the court of county commissioners or body of similar jurisdiction of Pike county, Alabama, to allow to the clerk of the circuit court of said county, three dollars per day during term times, as a preferred claim against the general fund of said county, for the purpose of paying an assistant employed by him to assist him in the performance of his duties as such clerk during the term times of circuit courts held in said county.

By Mr. Moore:

H. 405. To further provide for the compensation of the probate judge of Lowndes county, Alabama, and to increase the amount now allowed to be earned, under the provisions of the law authorizing the payment of ex-officio fees.

By Mr. Baker:

H. 381. To authorize the court of county commissioners of DeKalb county, Alabama, to levy a special tax of three-twentieths of one per cent on all taxable property in DeKalb county for the purpose of repairing and maintaining the public roads of said county.

By Mr. Hall of Marion:

H. 456. To amend section 1 of an act to fix and regulate the fees of witnesses in criminal cases in the county court and circuit court of Marion county and before the grand jury of said county and to provide for the payment thereof, approved August 21, 1915. Relates to the fees of witnesses.

By Mr. Ross:

H. 477. To provide for the payment and retirement of claims against the fine and forfeiture fund in counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

By Mr. Smith of Greene:

H. 389. To amend section two (2) of an act to authorize and require the county treasurer of Greene county, Alabama, to transfer all monies from the fine and forfeiture fund of said county into the general fund of said county, and to pay from said general fund, all legal claims against said fine and forfeiture fund, approved August 16, 1915.

Mr. Kelly, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Rogers of Sumter:

S. 465. To amend section 4 of an act entitled, "An act for better construction, repairing, working and maintaining of the public roads and bridges in Sumter county," approved September 22nd, 1915.

#### REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills beg leave to report that said committee, in session have examined and com-

pared the following engrossed bills with the originals and find same correctly engrossed, to-wit:

S. 370. To amend section 5877 of the Civil Code of Alabama.

Also:

S. 381. For the relief of Annie B. Moore.

Also:

S. 390. To designate a certain public road of the State of Alabama as a State trunk road and to provide the manner in which such road shall be located, improved and maintained.

Also:

S. 421. To amend an act entitled an act to amend section 3022 of the Code of Alabama, approved September 25, 1915.

R. B. Evins,  
Chairman.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 449. To vacate the dedication of all streets, avenues and alleys through, over, on or across the following described property situated in the city of Birmingham, Jefferson county, Alabama, to-wit: That tract of land bounded on the north by Avenue "B," or Second Avenue, south, on the east by Ninth street and the right of way of the Louisville & Nashville Railroad Company, on the south by the right of way of the Louisville & Nashville Railroad Company and Avenue "D" or Fourth avenue, south, on the west by Seventh street.

With notice and proof attached hereto and exhibited as follows:

#### NOTICE.

Is hereby given that a bill will be introduced for passage in the Legislature of Alabama at its present session, which is now in adjournment, and will be until the 8th day of July, 1919, such bill to be entitled:

#### AN ACT

To vacate the dedication of all streets, avenues and alleys through, over, on or across the following described property, situated in the city of Birmingham, Jefferson county, Alabama, to-wit: That tract of land bounded on the north by Avenue "B," or Second avenue, south, on the east by Ninth street and the right of way of the Louisville and Nashville Railroad, on the south by the right of way of the Louisville and Nashville railroad and Avenue "D," or Fourth avenue, south, on the west by Seventh street.

The substance of said bill will be as follows:

#### AN ACT

To vacate the dedication of all streets, avenue and alleys through, over, on or across the following described property situated in the city of Bir-

mingham, Jefferson county, Alabama, to-wit: That tract of land bounded on the north by Avenue "B," or Second avenue, south, on the east by Ninth street and the right of way of the Louisville and Nashville Railroad, on the south by the right of way of the Louisville and Nashville Railroad and Avenue "D," or Fourth avenue, south, on the west by Seventh street.

Be it enacted by the Legislature of Alabama:

Section 1. That the dedication of all streets, avenues and alleys through, over, on or across that tract of land situated in the city of Birmingham, Jefferson county, Alabama, which is bounded on the north by Avenue "B," or Second avenue, south, on the east by Ninth street and the right of way of the Louisville and Nashville Railroad, on the south by the right of way of the Louisville and Nashville Railroad and Avenue "D," or Fourth avenue, south, on the west by Seventh street, be and the same are hereby annulled, and that all the streets, avenues and alleys through, over, on or across the property aforesaid, shall forever cease to be public highways, and that all rights of the public, as the result of any dedication of streets, avenues and alleys through said property be and the same hereby are relinquished and abandoned.

Sec. 2. That all laws and parts of laws in conflict with this act are hereby expressly repealed.

The State of Alabama, {  
Jefferson County. }

Before me, J. E. Johnson, a notary public in and for said county and State, this day personally same J. H. F. Mosley, known to me to be the editor and publisher of the Labor Advocate, a newspaper published in Birmingham, Jefferson county, Alabama, who being by me duly sworn, deposes and says, that the attached notice of an act to vacate the dedication of all streets, avenues and alleys through, over, on or across the following described property, situated in the city of Birmingham, Jefferson county, Alabama, to-wit: That tract of land bounded on the north by Avenue "B" or second avenue south, on the east by Ninth street and the right of way of the Louisville & Nashville Railroad, on the south by the right of way of the Louisville and Nashville Railroad and Avenue "D" or Fourth avenue, south, and on the west by Seventh street, was published in the said Labor Advocate once a week for five consecutive weeks, beginning on the 17th day of May, 1919, and ending on the 14th day of June, 1919.

J. H. F. Mosley.

Subscribed and sworn to before me on the 20th day of June, 1919.

(Seal.)

J. E. Johnson,  
Notary Public.

H. 533. To fix the time of holding the county court in Conecuh county, Alabama.

With notice and proof attached hereto and exhibited as follows:

#### NOTICE.

Notice is hereby given that a bill will be introduced in The Legislature of Alabama, which convenes on the 8th day of July, 1919, which said bill shall read in substance as follows:



## A BILL

To be entitled, "An act to fix the time of holding the county court in Conecuh county, Alabama."

Be it enacted by the Legislature of Alabama:

Section 1. That the regular term of the county court shall be held in Conecuh county, Alabama, on the fourth Monday in each month.

Section 2. That all laws and parts of laws, local, general and special, in conflict with the provisions of this act be, and the same hereby are repealed.

Section 3. This act shall go into effect immediately upon its passage and approval by the governor.

State of Alabama, }  
Conecuh County. }

Before me, Edwin C. Page, a notary public in and for said county and State, personally appeared J. C. Whitcomb, who being by me first duly and legally sworn, doth depose and say:

I am the publisher, editor and owner of the Conecuh Record, a newspaper published in Conecuh county, Alabama; that the above foregoing act, or notice that such act would be introduced in the Legislature of Alabama was published in the said Conecuh Record for four consecutive weeks prior to this date.

J. C. Whitcomb.

Sworn to and subscribed before me, this the 9th day of July, 1919.

Edwin C. Page,  
Notary Public.

H. 575. To require all the fees collected under and by virtue of sections 6655 and 6656 of the Code of Alabama, in the county court of Shelby county, Alabama, to be paid into the county treasury of Shelby county, Alabama; to provide a fund out of which the salary of the judge of the county court of Shelby county, Alabama, shall be paid; to fix the amount of such salary, and to provide for the payment of said salary by warrants of said judge drawn on the treasury of said county, and making said warrants a preferred claim against the treasury of said county.

With notice and proof attached hereto and exhibited as follows:

## NOTICE.

## To Whom It May Concern:

Notice is hereby given of the intention to apply to the Legislature of Alabama to convene in the city of Montgomery, Alabama, on the 8th day of July, 1919, for the passage of an act entitled, "An act to require all the fees collected under and by virtue of sections 6655 and 6556 of the Code of Alabama, in the county court of Shelby county, Alabama, to be paid into the county treasury of Shelby county, Alabama; to provide a fund out of which the salary of the judge of the county court of Shelby county, Alabama, shall be paid; to fix the amount of such salary and to provide for the payment of said salary by warrants of said judge drawn on the treasury of said county and making said warrants a preferred claim against the treasury of said county."

The bill will contain in substance the following provisions:

## AN ACT

To be entitled an act to require all the fees collected under and by virtue of sections 6655 and 6656 of the Code of Alabama, in the county court of Shelby county, Alabama, to be paid into the county treasury of Shelby county, Alabama; to provide a fund out of which the salary of the judge of the county court of Shelby county, Alabama, shall be paid; to fix the amount of such salary, and to provide for the payment of said salary by warrants of said judge drawn on the treasury of said county, and making said warrants a preferred claim against the treasury of said county.

1. That all the fees allowed in the county court of Shelby county, Alabama, under and by virtue of sections 6655 and 6656 of the Code of Alabama, or any other provisions of law, be and the same are hereby required to be paid into the county treasury of Shelby county, Alabama, as collected.

2. That there shall be paid out of the county treasury of Shelby county, Alabama, to the judge of the county court of Shelby county, Alabama, an annual salary of \$1,200.00, in equal monthly installments, which shall be in lieu of all fees or compensation allowed by law to such judge of said court for services rendered in and about such court; the payment of such salary to be by warrant of said judge drawn on the treasury of said county, and such warrants shall be a preferred claim against the treasury of said county.

3. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

The State of Alabama, }  
Shelby County. }

Before me, the undersigned authority in and for said county in said State, personally appeared J. F. Norris, who is known to me, and who being by me first duly sworn, deposes and says: That he is the owner, editor and publisher of the People's Advocate, a weekly newspaper, published in the town of Columbiana, Shelby county, Alabama, and that the publication of a certain notice, of which the attached is a true and correct copy, has been made in said paper for four consecutive weeks, as follows: Commencing on the 5th day of June, 1919, and on the 12th day of June, 1919, the 19th day of June, 1919, and on the 26th day of June, 1919.

Sworn to and subscribed before me on this the 8th day of July, 1919.

Homer A. Jackson,  
Justice of the Peace.

H. 597. To require all monies to which the school district of the city of Greenville, Alabama, may be entitled from the public school funds of the State of Alabama, to be paid to the treasurer of the city of Greenville, Alabama; to provide for the manner of apportionment of said funds by the State superintendent of education to said school district of the city of Greenville, Alabama, and for the certifying and paying of said monies for said school district.

With notice and proof attached hereto and exhibited as follows:

## NOTICE.

Notice is hereby given that at the present session of the Legislature of Alabama when it reconvenes in July, 1919, a bill will be introduced which provides that all moneys to which the separate school districts of the city of Greenville, Alabama, may be entitled from the funds appropriated by the State of Alabama to the public schools of Alabama, be paid over direct to the treasurer of the city of Greenville, Alabama, and providing that the State superintendent of education as soon as practicable after he has apportioned to the several counties the amount of school fund in proportion to the number of school children of school age, he shall certify and report to the superintendent of the public schools of Greenville, Alabama, the amount to which the separate school districts of the city of Greenville will be entitled, taking his receipt for the amount so certified.

The State of Alabama, }  
Butler County. }

Before me, J. G. Reynolds, a notary public in and for said State and county, personally came J. B. Stanley, who being by me duly sworn, says on oath that he is the proprietor and publisher of the Greenville Advocate, a newspaper publisher in the city of Greenville, county of Butler, State of Alabama, and that the above and foregoing notice attached to this affidavit was published once a week for four consecutive weeks in said Greenville Advocate prior to the making of this affidavit, to-wit: in the issues of said paper of June 18th, June 25th, July 2nd and July 9th, 1919. Affiant further states that said notice was published without cost to the State of Alabama.

J. B. Stanley.

Sworn to and subscribed before me this 12th day of July, 1919.

J. G. Reynolds,  
Notary Public.

H. 598. To provide for the manner of apportionment and payment to the separate school district of the city of Greenville, Alabama, of its share of school funds out of the monies collected for school purposes in Butler county, Alabama, for 1919 and each succeeding year from taxes levied in said county for school purposes.

With notice and proof attached hereto and exhibited as follows:

## NOTICE.

Notice is hereby given that at the present session of the Legislature of Alabama when it reconvenes in July, 1919, a bill will be introduced for the purpose of being enacted into law, providing that out of the moneys collected for school purposes in the county of Butler, State of Alabama, for the year 1919, and each succeeding year thereafter, from the taxes levied for school purposes in said county there shall be apportioned to the separate school district embracing the city of Greenville the sum which shall be in such proportion as the number of children of school age in said district as shown by the census next preceding the apportionment taken as provided by law, shall bear to the entire number of children of school age in the entire county of Butler as shown by the school census taken in said county and separate districts thereof, as required by law, next preceding said

apportionment, providing that said apportionment shall be made and certified to the superintendent of public schools of the city of Greenville, Alabama, on the first day of October of each year, or as soon thereafter as practicable by the county superintendent of education of Butler county, Alabama, and the amount so apportioned and certified shall be paid over by the county treasurer of Public school funds of Butler county, Alabama, or such other officer having the custody of said school funds to the treasurer of the city of Greenville to be used and disbursed for school purposes by the board of education of the city of Greenville in such manner as is authorized by law. June 17th, 1919.

The State of Alabama, }  
Butler County. }

Before me, J. G. Reynolds, a notary public in and for said State and county, personally came J. B. Stanley, who being by me duly sworn, says on oath that he is the proprietor and publisher of the Greenville Advocate, a newspaper publisher in the city of Greenville, county of Butler, State of Alabama, and that the above and foregoing notice attached to this affidavit was published once a week for four consecutive weeks in said Greenville Advocate prior to the making of this affidavit, to-wit: in the issues of said paper of June 18th, June 25th, July 2nd and July 9th, 1919. Affiant further states that said notice was published without cost to the State of Alabama.

J. B. Stanley.

Sworn to and subscribed before me this 12th day of July, 1919.

J. G. Reynolds,  
Notary Public.

H. 636. To repeal an act entitled, "An act to provide for the better working of the public roads of Crenshaw county, Alabama, approved March 4, 1903.

With notice and proof attached hereto and exhibited as follows:

#### NOTICE.

Notice is hereby given, that at the coming session of the Legislature, the following bill will be introduced for passage and enactment into law:

#### AN ACT

To repeal an act entitled an act to provide for the better working of the public roads of Crenshaw county, Alabama, approved March 4th, 1903, Local Acts 1903, pp. 191-198.

Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled an act "To provide for the better working of the public roads of Crenshaw county, Alabama, approved on the 4th day of March, 1903, Local Acts 1903, pp. 191-198, be and the same is hereby repealed.

Section 2. Be it further enacted, That this act shall become effective on its approval by the governor.

Section 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

W. H. Stoddard,  
Representative for Crenshaw County.

## AFFIDAVIT OF PUBLICATION.

I, C. L. Kettler, publisher of the Crenshaw county News, a newspaper published weekly at Luverne, Crenshaw county, Alabama, do solemnly swear that a copy of the above notice, as per clipping attached, was published once a week in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated December 19th, 1918, and ending with the issue dated January 9th, 1919.

C. L. Kettler.

Subscribed and sworn to before me this 11th day of January, 1919.

John F. Walker,  
Judge of Probate.

H. 637. To regulate the registration and payment of claims against the fine and forfeiture fund of DeKalb county, and to provide compensation therefor.

With notice and proof attached hereto and exhibited as follows:

## NOTICE OF LOCAL LAW.

Notice is hereby given that at the coming session of the Legislature of Alabama a bill entitled, An act to regulate the registration and payment of claims against the fine and forfeiture fund of DeKalb county and to provide compensation therefor, the substance of which is: That all persons holding claims against the fine and forfeiture fund must present them to the clerk of the circuit court within twelve months from the date they become charges against said fund or same will be barred; that it shall be the duty of said clerk to register all claims in a well bound book in the order of their presentation; that all persons holding claims heretofore registered shall present them within six months from approval of act for re-registration or same will be barred; that claims must be paid as now required by law except that claims re-registered must be paid in order of former registration; that paid claims or claims used in payment of fines and forfeitures must be so marked on register; that nothing in act shall be held to validate any claim heretofore barred; that said clerk shall receive \$100 annually for services under act and that all laws in conflict with act be repealed.

State of Alabama, }  
DeKalb County. }

Before me, D. L. Campbell, clerk of the circuit court of said county, personally appeared T. H. Smith who, being first duly sworn, deposes and says that he is the editor of the Fort Payne Journal, a weekly newspaper published in DeKalb county, Alabama, and that the above and foregoing notice of local laws was published for four consecutive weeks in the Fort Payne Journal beginning July the 2nd, 1919.

Thos. H. Smith,  
Publisher Journal.

Sworn to and subscribed before me this the 23rd day of July, 1919.

D. L. Campbell,  
Clerk of the Circuit Court.

H. 641. To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads and bridges of Fayette county, Alabama; to define the duties and

powers of the court of county commissioners, or other governing body of Fayette county with regard to the same; to fix penalties for the violation of the rules, regulations and laws of the court of county commissioners or other like governing body of said county; to provide for the better building, maintenance and protection of the public roads and bridges of Fayette county; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect; to provide for the more efficient working, construction and repair of the public roads, and bridges in Fayette county, Alabama; to provide for the appointment of road foremen in the several precincts in the county, and to fix their compensation and define their duties and powers and penalties for violation thereof; to provide for a commutation fee in lieu of working the roads; to provide for the levy of a special tax of five per cent of one-fourth of one per centum now allowed by law on all taxable property, to be used exclusively for maintaining and repairing public roads and bridges in Fayette county; to create a separate and special road fund for said county, and to prevent obstruction and damage to the public roads and bridges of said county, and to provide penalties for all violations of the road laws.

With notice and proof attached hereto and exhibited as follows:

#### NOTICE OF LOCAL LAW.

Notice is hereby given of the intention to apply therefor at the 1919 session of the Legislature of Alabama, which convenes July 8th, 1919, the following local road law for Fayette county, Alabama, and to have the same passed at said session, the substance, essential and material parts thereof, and the bill in full as a part of this notice, being as follows:

#### AN ACT

To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads and bridges of Fayette county, Alabama; to define the duties and powers of the court of county commissioners, or other governing body of Fayette county with regard to the same; to fix penalties for the violations of the rules, regulations and laws of the court of county commissioners or other like governing body of said county; to provide for the better building, maintenance and protection of the public roads and bridges of Fayette county; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect; to provide for the more efficient working, construction and repair of the public roads and bridges in Fayette county, Alabama; to provide for the appointment of road foreman in the several precincts in the county, and to fix their compensation and define their duties and powers and penalties for violations thereof; to provide for a commutation fee in lieu of working the roads; to provide for the levy of a special tax of five per cent of one-fourth of one per centum now allowed by law on all taxable property, to be used exclusively for maintaining and repairing public roads and bridges in Fayette county;

to create a separate and special road fund for said county, and to prevent obstruction and damage to the public roads and bridges of said county, and to provide penalties for all violations of the road law.

Section 1. That the court of county commissioners of Fayette county, Alabama, are hereby invested with a general superintendence of the public roads, bridges and ferries, within the county of Fayette, and may establish new, and change and discontinue old, roads or bridges in said county, so as to render travel over the same as safe and convenient as practicable. To this end they are given legislative, judicial and executive powers, except as limited herein. They may establish, promulgate and enforce rules and regulations, make and enter into such contracts as may be necessary, or as may be deemed necessary or advisable by such courts, to build, construct, make, improve and maintain a good system of public roads, bridges or ferries, in said county, and to regulate the use thereof.

Section 2. That it shall be unlawful for any person, firm or corporation to violate any rule, regulation or law which may be adopted or promulgated by the court of county commissioners, under the authority conferred by this act, relating to the use, control, care, working, operation or maintenance of any public road, bridge or ferry, and any person, firm or corporation violating the same shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than one hundred dollars, and may also be sentenced to hard labor for the county for not more than thirty days, either or both, and each violation thereof shall constitute a separate offense.

Section 3. That the court of county commissioners of said county may transfer to the road fund of the county any part or any surplus of general funds of the county in the county treasury, whenever in the judgment of such court it will promote the interest of the county to make such transfer. Any surplus or any part of general funds so transferred, shall be used only for the working or maintenance of the public roads, or the building or maintenance of bridges or otherwise improving the public roads of the county.

Section 4. That for the purpose of maintaining the public roads and bridges, the said county of Fayette is hereby divided into road districts, each precinct of said county to constitute a separate district, and it shall be the duty of the court of county commissioners to appoint a foreman for each of said districts, but if deemed advisable, the commissioners court, for good and sufficient reason, may change the boundaries of the different districts, or decrease the number in said county, and may appoint foremen for sections of roads regardless of districts, by placing an order on the minutes of said court making such changes and giving reasons therefor. The terms of office for the said supervisors shall be one year from date of appointment, and until their successor is appointed, but may be discharged by said commissioners court for neglect of duty or inefficiency, and when a vacancy for any cause occurs, the commissioners court shall appoint some suitable person to fill the unexpired term.

Section 5. That it is hereby made the duty of the court of county commissioners of Fayette county at the time of levying other taxes for county purposes, to levy at least five per cent of the special tax of the one-fourth of one per cent now allowed by law to be assessed and collected as other taxes, for the special maintenance of the different public roads throughout the county, and said five per cent so assessed and collected shall be placed in a separate fund with commutation fees, constituting a special fund to be used only for the maintenance and repair of all the public roads and bridges in said county, provided that this special levy of five per centum shall not interfere with any other levy allowed by law for courthouse, jail, road or

bridges, but is only intended to restrict the use of five per cent of one-fourth of one per cent on all taxable property to the exclusive use of maintaining and repairing roads and bridges in said county of Fayette.

Section 6. That all automobile license tax paid to the county shall be placed in and with the special fund derived from commutation fees and placed to the credit of this particular fund for the maintenance and repair of all of the roads of the county.

Section 7. The probate judge of the county shall have authority to collect and receipt for commutation fees from hands or persons subject to road duty in any precinct in the county, and shall keep an accurate account of all money collected in the various precincts in said county, showing a list by precincts of the names, amount and date of those who have paid a commutation fee, and he shall also furnish the foreman of each precinct with a list of persons who pay the commutation fee to him in lieu of personal service, and he shall turn into the county treasury to the credit of the precinct wherein the tax payer resides, all such taxes so collected by him.

Section 8. That all work upon the public roads and bridges of said county, other than that done by persons subject to road duty, shall be done by contract made with some person, partnership or corporation, or with the supervisor of any road district, which contract shall be in writing, and entered into by and with said county commissioners for and on behalf of Fayette county, and when the total costs of the work to be done, or the material to be furnished, under any one contract does not exceed fifty dollars the contract for the same may be let out privately or by competitive bids as said court of commissioners may by order determine. When the total cost of the work to be done or the material to be furnished under any one contract exceeds fifty dollars, such contract shall be let out to the lowest responsible bidder, such bids being received at public outcry in front of the courthouse door of said county, or by sealed bids filed with the probate judge of said county, as the said court of county commissioners may by order determine. Notice of the time and place at which said bids shall be received at public outcry, or of the time and place which sealed bids shall be opened, shall be given by publication in some newspaper published in said county for at least two issues of said paper prior thereto.

Section 9. That all persons are liable to work on the public roads of Fayette county except women, and all men under the age of eighteen and over the age of fifty years; all persons who have lost an arm or leg; and all persons who by nature or disease, are rendered incapable of hard labor, who shall procure a certificate of such incapacity from the county board of health, are exempted from working on public roads; but a certificate of such incapacity from two reputable practicing physicians shall also be sufficient.

Section 10. That every male person in said county who is over the age of eighteen, and under the age of fifty, not exempt by law, shall be subject to road duty, and shall be compelled to work on the public roads or repairing bridges for not more than ten days in each year and eight hours actual work each day, provided any person subject to road duty may be relieved from working on the roads by paying a money compensation or fee of ten dollars per capita per annum to the road foreman or probate judge of said county on or before the 1st day of February of each year, said money to go to the road fund of said county, and to be appropriated exclusively for the maintenance or improvement of the public roads or bridges in the district in which said commutation or money compensation is paid. That all persons subject to road duty, who fail to pay said money compensation in lieu of the labor required by law upon public roads, shall



be compelled to work on the public roads of said county for not more than ten days, and provided further, that all persons subject to road duty moving into said county after the 1st day of February in any year, shall be liable to road duty for the remainder of the year at the rate of ten days' work for twelve months, and shall have the option of commuting said work by paying to the foreman of his district or the probate judge of said county, or other person designated by the commissioners court for his district, in discharge of such liability at the rate of ten dollars for ten days' work, and the road year shall be the same as the calendar year. Road foremen liable to road duty shall not be exempt from road duty, except by payment of the commutation fee or work on public roads for not more than ten days in each year.

Section 11. That all male inhabitants of the county between the ages of twenty-one and sixty years are subject to road duty under this act as foreman.

Section 12. That the court of county commissioners, may transfer to the special fund with commutation fees for maintenance of public roads, any surplus of the fine and forfeiture fund of the county in the county treasury, or any part of such surplus, whenever in the judgment of such court it will promote the interest of the county to make such transfer for road purposes. Any surplus so transferred shall be used only for future working of public roads or the building or repairing of bridges or otherwise improving the public roads of Fayette county.

Section 13. That in the event of the destruction of a bridge, or damage thereto, rendering the same impassable from any cause, or in any other emergency, the county commissioners may immediately contract for the repair or rebuilding of such bridge or road, without advertisement, if the public good requires it.

Section 14. That the right of way is granted to any person or corporation having the right to construct telegraph or telephone lines within this State to construct them along the margin of the right of way of public highways, but subject to removal or change by the court of county commissioners.

Section 15. That the court of county commissioners of Fayette county are hereby given the right of eminent domain for the purpose of establishing and changing public roads and bridges in said county. Provided that when an appeal is taken from any assessment in a condemnation proceeding brought by said county, such appeal shall not deprive the county when judgment of condemnation is obtained, of a right of entry for any and all purposes named in the condemnation proceeding, provided the amount of damages assessed shall have been paid into court in money, and a bond shall have been given in not less than double the amount of damages assessed with good and sufficient sureties to be approved by the clerk of the court to which the appeal is taken conditioned to pay such damages as the owner of the property may sustain.

Section 16. That any contractor employed by the court of county commissioners to construct or maintain or improve public roads, bridges, culverts, drains, or any other necessary work, before entering upon the discharge of his duties, or before receiving any pay therefor, except work done on force account, must execute bond payable to the county and approved by the probate judge, in an amount not less than the amount to be received by him for such work, conditioned for the faithful performance of his contract and discharge of his duties thereunder, provided the contract exceeds fifty dollars, provided that regular foremen of districts who have already executed bonds for the faithful performance of their duties in the sum of five hundred dollars, who afterward enter into special contract with

the county to construct, maintain or improve public roads, bridges, or any other necessary work of a like character, shall not be required to give an additional bond, unless the amount of the contract exceeds the said sum of five hundred dollars, but their original bond as supervisors of their respective district shall be in lieu thereof.

Section 17. \* That the convicts of Fayette county, or any municipality of said county, may be worked upon the public roads and bridges of said county, under the direction of the court of county commissioners, or said convicts may be hired to or from another county or from the State, provided no convicts shall be worked in squads or companies with other persons liable to road duty upon public roads or bridges for the county, and no woman convict shall be worked upon the public roads, but may be required to cook and prepare meals for road crews composed of convicts.

Section 18. That it shall be the duty of each foreman during the month of January in each year to take a census of the person within the area assigned to him who are subject to road duty, giving the age and color of each person, and turn a list of such persons into the office of the probate judge, and said foreman shall keep an accurate statement of the names of all persons who pay commutation fees or money compensation in lieu of working the road, and report the same to the probate judge, and shall also account to the said judge of probate for all unused or mutilated receipts and the stubs of receipts issued, and also report to the probate judge for the inspection of the court of county commissioners an itemized account and correct dates of all money expended, and for what purpose and the name, date, and number of hours worked per day of all road hands on the public roads. Before entering upon his duties, each supervisor shall subscribe to the statutory oath to faithfully perform his duties, which oath may be administered by any officer legally authorized to administer the same, and said supervisor shall execute bond with sufficient surety in the sum of five hundred dollars payable to Fayette county, Alabama, conditioned for the faithful discharge of his duty and to promptly account for all money coming into his hands belonging to the road fund and for tools or other property coming into his possession belonging to the county.

Section 19. That it shall be the duty of the probate judge to enter the names of all persons who are subject to road duty in a suitable ledger which shall have appropriate columns for credit of money or labor, and also to furnish all other books or stationery necessary for the proper administration of the road law, at the expense of the county, to be purchased and paid for in the same way and manner that other necessary stationery is purchased and paid for by the county, and the compensation of said judge of probate for all services rendered under the road law shall be the same as he now receives, as provided by law.

Section 20. That the foreman of each district shall report the condition of the roads and bridges in his district to each grand jury of said county should any part of the roads over which they have supervision be bad, or any of the bridges defective.

Section 21. That it shall be the duty of each member of the court of county commissioners of Fayette county, to carefully inspect the condition of the public roads and bridges within the district for which they were elected commissioner, once within every six months, and report the true condition of said roads and bridges to the commissioners court. They shall personally inspect all work let out by contract in their respective districts to see that the specifications are fully carried out in compliance with the contract entered into with the contractor, before said work is paid for, provided the commissioners court may, if they deem advisable, appoint some other person to inspect said work, and said commissioner for performing

said duties; shall receive the same pay per day and mileage, to be paid in the same way and manner as county commissioners are now paid, and said claim shall be regularly passed upon by the commissioners court before payment thereof.

Section 22. That it shall be the duty of the foreman of each road district, or some other person appointed by him, to warn the person or hands subject to road duty, by giving three days notice in person or in writing, to be left at the residence of said person liable to road duty, to meet at such time and place as the foreman of the road may appoint, and with such implement, tools or property liable to road duty as he may direct.

Section 23. That any person liable to road duty, who fails or refuses, after legal notice, to work the public roads, either in person or by substitute, without a sufficient excuse therefor, must, on conviction, be fined not less than five dollars, and may also be imprisoned in the county jail, or put to hard labor for the county for not more than twenty days, and the fine in said prosecution shall be paid over to the county treasurer as a part of the commutation fee road fund, and said fine when so paid, shall be expended on the road in the district in which said default was made. This section must be given in special charge to the grand jury; and it is their duty, if the evidence justifies it, to find and present an indictment.

Section 24. That all persons hauling logs, lumber or timber over the roads of the county to sell or for another for hire, and all persons regularly engaged in the business of hauling over the roads of the county shall pay a license of one dollar per month for each two-horse wagon, and two dollars per month for each four-horse wagon, and ten dollars per month for each motor truck or other truck, or traction or road engine or other heavy vehicle so used in such hauling, provided commissioners court may increase said license taxes if deemed advisable or necessary. It is not intended hereby to require a license for those who haul for their own use or for the improvement of their farms, or those who occasionally haul logs or cross ties cut from timber on their own lands, when going to town or elsewhere, or for private hauling connected with or usual ordinary operation of a farm, or any one hauling cord or stove wood. Any person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction fined not less than five nor more than fifteen dollars, to be paid in lawful money which fine when collected, shall be paid over to the county treasurer as part of the road fund. And the license tax required by this section, and also any fine which may be imposed and collected for a violation of said section, shall be a part of the road fund and used exclusively upon the roads in the district where said license was required, and where said violation of law occurred. This section must be given in special charge to the grand jury, and it is their duty, if the evidence justifies it, to find and present an indictment.

Section 25. That it shall be the duty of the foreman of each road district of the county to report all violations of road duty where persons subject to the same, without sufficient excuse therefor, refuse to work the public roads, and also a refusal to pay any license required by law. Said report of all violations which may come under their observation, shall be made to the grand jury of said county, or at their option, prosecutions may be commenced by them in the county court of said county, or before a justice of the peace having jurisdiction of said offense.

Section 26. That any person subject to road duty who desires to work in lieu of commutation fee, and who fails to do satisfactory work under the foreman, or person having charge of the road or bridge work, may be discharged by said foreman and proceeded against as though he had refused to work.

Section 27. That if any section or provision of this act shall be declared to be void or unconstitutional it shall not affect or destroy the validity or constitutionality of any other section or provision therein, which is not in and of itself void or unconstitutional.

Section 28. That for all work or labor performed by the supervisors of the different road districts in the county, except when working under contract as provided for in this act, said supervisors shall be paid at a rate not to exceed two dollars and fifty cents per diem, said claim for said services shall be regularly passed upon by the commissioners court and warrant issued therefor payable out of road and bridge fund for county.

Section 29. That a county road and bridge fund is hereby created for Fayette county, Alabama, into which fund shall be paid all moneys derived for roads and bridges in said county.

Section 30. That none of the provisions of the general laws of Alabama relating to public roads are repealed by the provisions of this act except in so far as they conflict with the terms of this act. All laws and parts of laws, local and general, that conflict with the terms of this act, are hereby repealed.

Section 31. Be it further enacted, That this act shall not affect any existing right, remedy or defense, nor shall it affect any prosecution now commenced, or which shall hereafter be commenced, for any offense already committed, or for any offense committed before this act becomes operative. As to all such cases the laws in force at the adoption of this act shall continue in force.

Section 32. This act shall take effect immediately upon its passage and approval by the governor.

Robert F. Peters.

#### PUBLISHER'S AFFIDAVIT.

State of Alabama, }  
Fayette County. }

Before me, Thomas L. Lindsey, a notary public in and for said county, in State aforesaid, personally appeared T. A. Wilson, who, being duly sworn, doth depose and say that he is publisher of The Fayette Banner, a weekly newspaper published in the Town of Fayette, State and County aforesaid, and that a certain advertisement (a true copy of which is hereto attached) has been published in said newspaper for four consecutive weeks prior to the 19th day of July, 1919, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit:

No. 1, the 19th day of June, 1919; No. 2, the 26th day of June, 1919; No. 3, the 3rd day of July, 1919; No. 4, the 10th day of July, 1919. And that there was no agreement between publisher and officer, and that the actual and lowest cost of said advertisement is \$-----, due and unpaid.

T. A. Wilson,  
Publisher.

Sworn to and subscribed before me, this 19th day of July, 1919.

Thomas L. Lindsey,  
Notary Public.

H. 694. To repeal insofar as it relates to Crenshaw county an act entitled, "An act to require all fees collected by sections 6655 and 6656 of the Code, in the county court to be paid into the county treasurer; to provide a fund out of which the judge

of the county court shall be paid, and to fix the amount of such salaries." Approved September 18, 1915.

With notice and proof attached hereto and exhibited as follows:

#### NOTICE.

To the People of Crenshaw County:

You will take notice that at the July session of the Legislature of 1919, a bill will be introduced for enactment into law, the substance of which will be to repeal in so far as it relates to Crenshaw county as an act entitled an act to require all the fees collected by sections 6655 and 6656 of the Code, in the county court to be paid into the county treasury; to provide a fund out of which the judge of the county courts shall be paid, and to fix the amount of such salaries," approved September 18, 1915. Said bill will provide that the salary of the judge of the county court of Crenshaw county shall be paid under section 6656 of the Code as heretofore and same shall take effect on the first day of October, 1919, and that all laws, local, general and special in conflict with the provisions of the bill stand repealed.

June 16, 1919.

W. H. Stoddard,  
Representative for Crenshaw County.

#### AFFIDAVIT OF PUBLICATION.

I, C. L. Kettler, publisher of the Crenshaw County News, a newspaper published weekly at Luverne, Alabama, do solemnly swear that a copy of the above notice, as per clipping attached, was published once a week in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated June 19th, 1919, and ending with the issue dated July 10th, 1919.

C. L. Kettler.

Subscribed and sworn to before me this 18th day of July, 1919.

Wilkie Pope,  
Notary Public.

H. 698. To amend section one of an act approved December 9th, 1896, and entitled, "An act to amend the charter of the town of Eutaw, in Greene county, in the State of Alabama, and all acts amendatory thereto."

With notice and proof attached hereto and exhibited as follows:

#### NOTICE.

Of intention to introduce a bill to be entitled an act to amend section one of an act approved December 9th, 1896, and entitled, "An act to amend the charter of the town of Eutaw, in Greene county, in the State of Alabama, and all acts amendatory thereto."

Be it enacted by the Legislature of Alabama:

Sec. 1. That section one of an act approved December 9, 1896, and entitled an act to amend the charter of the town of Eutaw in Greene county, in the State of Alabama, and all acts amendatory thereto, be and the same hereby is amended so as to read as follows:

That the inhabitants of the town of Eutaw shall be and continue a body politic and corporate by the name of the town of Eutaw, and by that

name may sue and be sued, plead and implead, grant and receive, and do all other acts as natural persons, and may purchase and hold real, personal and mixed property, and dispose of and manage the same for the benefit of the said town, and may have and use a common seal, which may be broken or altered at pleasure; and the corporate limits of said town shall embrace the following lands and territory, to-wit:

The south east quarter of section thirty-three; the east half of the east half of the southwest quarter of section thirty-three; the southwest quarter of section thirty-four; the west half of the west half of the southeast quarter section thirty-four; the northeast quarter of section thirty-three; the northwest quarter of section thirty-four; the east half of the east half of the northwest quarter of section thirty-three; also from the center of southeast quarter of the northwest quarter of section thirty-three, north-westerly to the northwest corner of northwest quarter, section thirty-three, thence easterly along said northern boundary line to the northwest corner of the east half of the east half of the northeast quarter of northwest quarter of section thirty-three.

Also, the west half of the west half of the northeast quarter of section thirty-four; all in township twenty-two of range two east; also the north half of the northeast quarter of section four, the east half of northeast quarter of northwest quarter of section four; the north half of northwest quarter of section three; the west half of the northwest quarter of the northeast quarter of section three, all in township twenty-one, of range two east.

All of the above described territory or lands lying and being situate in Greene county, Alabama.

June 24, 1919.

Amand P. Smith.

The State of Alabama, }  
Greene County. }

Before the undersigned, Wm. Hawkins, a notary public in and for said county and State, this day personally appeared J. S. Coleman, who being duly sworn, deposes and says: That he is the owner and editor of the Greene County Democrat, a weekly newspaper, published in Eutaw, Greene county, Alabama; that the attached bill to be entitled an act was published in the said Greene County Democrat four (4) consecutive weeks; said act appearing in said paper of the issues of the same dated, respectively, July 4th, July 11th, July 19th, and July 25th, 1919.

Jas. S. Coleman.

Sworn to and subscribed before me, this the 25th day of July, 1919.

(Seal.) Wm. Hawkins,  
Notary Public in and for Greene County, Alabama.

H. 696. To fix the pay of grand jurors and petit jurors serving in the circuit court of Crenshaw county. To prescribe the manner of payment and to prescribe the duties of the circuit clerk and county treasurer of Crenshaw county under this act.

With notice and proof attached hereto and exhibited as follows:

#### NOTICE.

Notice is hereby given that at the adjourned session of the Legislature, which will convene on the 8th day of July, 1919, the following bill will be introduced for passage and enactment into law:

## A BILL

To be entitled an act to fix the pay of grand and petit jurors serving in the circuit court of Crenshaw county; to prescribe the manner of payment and to prescribe the duties of the circuit clerk under this act.

Be it enacted by the Legislature of Alabama:

Section 1. Regular jurors, grand and petit, serving in the circuit court of Crenshaw county, Alabama, shall be entitled to receive the sum of four dollars per day for each day's service and in addition thereto shall receive five cents for each mile travelled in going to and returning from court, to be proved by the oath of the juror before the clerk of the circuit court.

Section 2. That it shall be the duty of the clerk of the circuit court to give each juror a certificate stating therein the number of days he has served and the number of miles travelled and the total amount of compensation to which he is entitled and such certificate when issued shall be receivable in payment of county taxes and any other county dues, and payable out of the county treasury.

Section 3. That all laws and parts of laws, local, general, and special in conflict with this act, be and they are hereby repealed.

Section 4. That this act shall take effect on its approval by the governor.

W. H. Stoddard,  
Representative for Crenshaw County.

## AFFIDAVIT OF PUBLICATION.

I, C. L. Kettler, publisher of the Crenshaw County News, a newspaper published weekly at Luverne, Alabama, do solemnly swear that a copy of the above notice, as per clipping attached, was published once a week in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated June 19th, 1919, and ending with the issue dated July 10th, 1919.

C. L. Kettler.  
Subscribed and sworn to before me this 18th day of July, 1919.

Wilkie Pope,  
Notary Public.

H. 695. To ratify and make legal certain claims and script registered against the fine and forfeiture fund of Crenshaw county and to authorize and empower the treasurer of the county to pay the same.

With notice and proof attached hereto and exhibited as follows:

## TO THE PEOPLE OF CRENSHAW COUNTY.

You will take notice that at the coming session of the Legislature, which convenes on the 8th day of July, 1919, a bill will be introduced for passage and enactment into law the substance of which shall be as follows:

## A BILL

To be entitled an act to ratify and make legal certain claims and script registered against the fine and forfeiture fund of Crenshaw county and to authorize and empower the treasurer of the county to pay the same.

Be it enacted by the Legislature of Alabama:

Section 1. That all claims and script registered with the treasurer of Crenshaw county prior to the first Monday in January, 1916, be and the same are hereby ratified and made legal and the treasurer of said county is hereby authorized and empowered to pay the same out of the said fine and forfeiture fund.

Section 2. That all laws and parts of laws, local, general and special, in conflict with this act, be and the same are hereby repealed.

Section 3. That this act shall become operative on the first day of October, 1919.

W. H. Stoddard,

Representative for Crenshaw County.

#### AFFIDAVIT OF PUBLICATION.

I, C. L. Kettler, publisher of the Crenshaw County News, a newspaper published weekly at Luverne, Crenshaw county, Alabama, do solemnly swear that a copy of the above notice, as per clipping attached, was published once a week in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated July 3rd, 1919, and ending with the issue dated July 24th, 1919.

C. L. Kettler.

Subscribed and sworn to before me this 26th day of July, 1919.  
(Seal)

Wilkie Pope,  
Notary Public.

H. 707. To repeal an act entitled, "An act to establish in precinct one in Morgan county, Alabama, an inferior court in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precinct, to be known as the inferior court of Decatur; to define the jurisdiction and powers of said court and the judge thereof." Approved September 2, 1915.

With notice and proof attached hereto and exhibited as follows:

#### NOTICE.

Notice is hereby given, that a bill will be introduced at the coming session of the Legislature of Alabama, the substance of which will be to repeal "An act to establish in precinct one, in Morgan county, Alabama, an inferior court in lieu of all justices of the peace and notaries public, with powers of a justice of the peace in said precinct, to be known as the inferior court of Decatur, and to define the jurisdiction and powers of said court and the judge thereof."

Approved September 2, 1915.

State of Alabama, }  
Morgan County. }

Before me, T. C. Almon, a notary public in and for the county and State aforesaid, this day personally appeared C. J. Hildreth, who being by me first duly sworn, deposes and says that he is the editor, manager and publisher of the Albany Advertiser, a newspaper published in the town of Albany, Morgan county, Alabama, and that the above and foregoing notice has been published every week for four consecutive weeks in said newspaper prior to this date.

C. J. Hildreth.

Sworn to and subscribed before me this the 19th day of July, 1919.

T. C. Almon,  
Notary Public.



H. 711. To repeal an act entitled, "An act to establish in precinct 19, in Morgan county, Alabama, an inferior court in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precinct, to be known as the inferior court of New Decatur; to define the jurisdiction and powers of said court and the judge thereof." Approved September 2, 1915.

With notice and proof attached hereto and exhibited as follows:

#### NOTICE.

Notice is hereby given that a bill will be introduced in the coming session of the Legislature of Alabama, the substance of which will be to repeal "An act to establish in precinct 19, in Morgan county, Alabama, an inferior court, in lieu of all justices of the peace and notaries public with powers of a justice of the peace in said precinct, to be known as the inferior court of New Decatur, to define the jurisdiction and powers of said court and the judge thereof."

Approved September 2, 1915.

State of Alabama, }  
Morgan County. }

Before me, T. C. Almon, a notary public in and for the county and State aforesaid, this day personally appeared C. J. Hildreth, who being by me first duly sworn, deposes and says that he is the editor, manager and publisher of the Albany Advertiser, a newspaper published in the town of Albany, Morgan county, Alabama, and that the above and foregoing notice has been published every week for four consecutive weeks in said newspaper prior to this date.

C. J. Hildreth.

Sworn to and subscribed before me this the 19th day of July, 1919.

T. C. Almon,  
Notary Public.

H. 580. To prohibit stock from running at large in subdivisions of a voting precinct or beat or in subdivisions of a county less than a voting precinct or beat, in all counties having a population of as much as twenty thousand two hundred and ten and not more than twenty thousand two hundred and fifty, according to the Federal census of 1910; to provide for the removal of gates across public roads used to enclose such free or common range; and to fix penalties for the violation of the provisions of this act.

H. 503. To create and designate an additional trunk road, extending from the town of Heflin in Cleburne county south to Wedowee in Randolph county, and to confer upon said road all of the rights and privileges now extended to trunk roads in this State.

Also:

H. 703. To prescribe the qualifications, duties and compensations of coroners and their assistants; making it unlawful for any one to remove or disturb the body of a person whose death is due to violence before an inquest by the coroner if he deems it necessary; to make it the duty of the sheriff to execute any, and all, process, directed to him by the coroner in the discharge of his official duties; to authorize coroners to punish contempts, to authorize and empower coroners to perform autopsies upon the bodies of persons who have died by violence when necessary to ascertain the causes of death, to prescribe the pay of witnesses and jurors in proceedings by coroners; to authorize any person to pick up and to secure the bodies of any deceased person found in any of the waters or streams in any of the counties embraced in this act and to further provide for their compensation for so doing; this act shall embrace and shall apply only to counties in this State containing not less than eighty thousand nor more than eighty-one thousand inhabitants; according to the last Federal census, and shall repeal all laws and parts of laws in conflict with this act.

Also:

H. 714. To prohibit live stock from running at large in all counties in Alabama having a population of not less than twenty-four thousand six hundred and fifty (24,650) nor more than twenty-four thousand seven hundred (24,700) according to the Federal census of 1910; to provide for the enforcement of the provisions of this act; to fix penalties for the violation of the provisions of this act, and to repeal all laws and parts of laws in conflict herewith.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate Standing Committees as follows:

H. 449, H. 533, H. 575, H. 636, H. 637, H. 641, H. 694, H. 698, H. 696, H. 595. To the Committee on Local Legislation.

H. 597 and H. 598. To the Committee on Education.

H. 707, H. 711 and H. 703. To the Committee on Revision of Laws.

H. 580 and H. 714. To the Committee on Agriculture.

H. 503. To the Committee on Public Roads and Highways.

## RESOLUTION.

Mr. Prestwood offered the following Senate joint resolution:

S. J. R. 112. Whereas, we believe that 4,000,000 veterans of the World War, 79,490 of whom were Alabamians, are a sufficient nucleus for the organization of any army that may be required by our country for some time to come; and,

Whereas, the American people will not tolerate the ruthless abandonment of a policy which created that great civilian army which answered the call, never flinched in the face of the severest fire, and whose record of achievement stands as a guarantee of its ability to handle any situation which may confront it; and,

Whereas, the Chamberlain-Kahn bill recently introduced in Congress, abolishes the citizen soldiery of the United States, which public sentiment demands shall be the backbone of its military strength; and at a time when the people are struggling under the burden of excessive taxation, creates, at enormous expense, the machinery for the establishment in America of that detestable Prussian military system which is abhorrent to the American people and is as objectionable in some respects as that to suppress which the war was fought; and,

Whereas, the League of Nations and the Chamberlain-Kahn bill can never go hand in hand; and,

Whereas, the league of Nations is a snare and a delusion, or there is no necessity for the passage of the Chamberlain-Kahn bill; and,

Whereas, the general staff of the regular army, failing utterly in its efforts to secure for the regular army necessary recruits by volunteer enlistment, now attempts, in time of peace, under the guise of a universal military service bill, to resort to conscription and to seize, from their homes, the youth of America for service in the regular army; in the Philippine Islands, in Hawaii, in Porto Rico, in the Canal Zone, and even in Russia, should the military dictator created by the provisions of this vicious bill determine the emergency demands; and,

Whereas, the Chamberlain-Kahn bill destroys and places a stigma upon the citizen soldiery of the United States who bore the brunt of fighting as shock troops, and creates a centralized military oligarchy with dangerous potentialities for political abuse and the destruction of that freedom which is vital to the existence of the country.

Therefore, be it resolved by the Senate of Alabama (the House concurring) representing the citizens of Alabama and the Alabama citizen soldiery, whose record of efficiency entitles them to the fullest measure of support, opposes the passage of the

Chamberlain-Kahn compulsory military service bill, and urges the Alabama delegation in Congress to secure the defeat of this measure or any other military measure which has for its object the destruction of the citizen soldiery of America, and the setting up of a centralized autocratic military power.

Be it further resolved, That the Secretary of the Senate and the Clerk of the House be directed to transmit copies of this resolution to each senator and member of the House of Representatives from Alabama in the Congress of the United States.

Which was read and referred to the Standing Committee on Military.

#### BILLS ON THIRD READING.

The bill:

S. 434. To establish a board of revenue for Russell county, to provide for the appointment and election of the members thereof and prescribe their duties and powers, to provide for a president of said board and fix his duties and powers; and fix their compensation; to divide the county of Russell into five (5) board of revenue districts, and abolish the court of county commissioners, and to repeal all conflicting laws general, local and special.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Acker	Cowan	Miller	Prestwood
Beale	Craft	Moore	Rogers (Sumter)
Bedsole	Espy	Morris	Sims
Brown	Evins	McDowell	Smith (Coosa)
Butler	Harper	Nance	Tally
Carlton	Kelly	Phillips	West
Carmichael	Leith		

—26

Nays:—None.

The bill:

H. 384. To repeal an act entitled an act to authorize the commissioner's court of Etowah county to levy a tax for making the public roads of said county and to provide for keeping said roads in repair. To provide that the general road law shall apply to Etowah county.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

*Yeas:**Messrs:*

Acker	Cowan	Kelly	Phillips
Beale	Craft	Miller	Rogers (Sumter)
Bedsole	Espy	Moore	Sims
Brown	Evins	Morris	Smith (Coosa)
Butler	Gunter	McDowell	Tally
Carlton	Harper	Nance	West
Carmichael			

—25

*Nays:*—None.

H. 385. To require all fines imposed by any court in Etowah county upon conviction of any and all criminal offenses against the State laws and all forfeitures made final, to be paid in money, requiring such money to be deposited in the fine and forfeiture fund of the county; to provide the manner of paying warrants now and hereafter drawn against said fund, and to appropriate any surplus of said fund to the public road fund of the county.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

*Yeas:**Messrs:*

Acker	Carmichael	Harper	Nance
Beale	Cowan	Kelly	Rogers (Sumter)
Bedsole	Craft	Miller	Sims
Briscoe	Ellis	Moore	Smith (Coosa)
Brown	Espy	Morris	Tally
Butler	Evins	McDowell	West
<b>Carlton</b>			

—25

*Nays:*—None.

#### NOTICE OF MOTION TO TAKE FROM ADVERSE CALENDAR.

Mr. Leith gave to the Senate the following notice in writing:

"Notice is hereby given that on the next legislative day I will make a motion to take from the adverse calendar, the bill:

S. 456. To provide for the issuance of certificates to practice medicine in this State to persons who have diplomas from a recognized school of medicine and who have had at least six months hospital service as a physician in a hospital then operated or controlled by the United States government during the war with Germany and its allies, and who can furnish recommendations from five reputable physicians who are members of the Alabama Medical Association.

Have the same read a second time and placed on the regular calendar for a third reading on the next legislative day."

M. L. Leith."

## BILLS ON THIRD READING RESUMED.

The bill:

S. 414. To provide for the reading of the Holy Bible in the schools in Alabama that are supported in part or in whole by public funds and to provide for the enforcement of the same.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 19; nays, 0.

Yeas:

Messrs:

Acker  
Bedsole  
Butler  
Carlton  
Carmichael

Craft  
Ellis  
Espy  
Evins  
Harper

Moore  
Morris  
McDowell  
Nance  
Phillips

Prestwood  
Rogers (Sumter)  
Smith (Coosa)  
Tally

—19

Nays:—None.

The bill:

S. 448. To create a county highway commission for Cherokee county, Alabama, to be known as the Cherokee county highway commission and to provide for the appointment thereof by the governor; to invest it with full, complete and unlimited jurisdiction over the public roads, bridges and ferries in Cherokee county; to prescribe and define its powers and duties as such highway commission, and to repeal all laws and parts of laws in conflict therewith; to abolish free labor on the public roads in Cherokee county and in lieu thereof, assess public road dues on those required to perform free labor on the public roads; to authorize the commission to take charge of all the public road tools and machinery belonging to the county, and to receive all the funds now provided by the county for the use of the public roads, bridges and ferries therein; and, in addition thereto, to levy and collect special privilege license taxes for the construction and maintenance of the public roads, bridges and ferries in the county; to authorize and empower the commission to exercise all the legislative, judicial and executive authority over the public roads, bridges and ferries conferred by law on the court of county commissioners; to fix penalties for the violations of any of the provisions of this act, and for the violation of any of the rules or legislative acts of the commission.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Harper	Phillips
Beale	Craft	Kelly	Prestwood
Bedsole	Ellis	Leith	Rogers (Sumter)
Briscoe	Espy	Miller	Sims
Butler	Evins	Morris	Smith (Coosa)
Carlton	Griffith	McDowell	Tally
Carmichael	Gunter	Nance	West

—28

*Nays:*—None.

The bill:

H. 504. To amend section one (1) of an act entitled, "An act to incorporate the town of Opp in the county of Covington, State of Alabama," approved February 28th, 1901.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Harper	Phillips
Beale	Craft	Leith	Prestwood
Bedsole	Ellis	Miller	Rogers (Sumter)
Briscoe	Espy	Morris	Sims
Butler	Evins	McDowell	Smith (Coosa)
Carlton	Griffith	Nance	Tally
Carmichael	Gunter		

—26

*Nays:*—None.

The bill:

S. 400. To fix the salary of the several circuit judges in Alabama.

Was taken up.

Mr. Prestwood offered the following amendment to said bill:

"Amend section one (1) of Senate bill No. 400 by striking therefrom the words: 'Five thousand dollars' where they appear in said section, and adding in lieu thereof the following words: 'Three thousand and six hundred dollars.'"

Mr. Beale offered the following amendment to the amendment offered by Mr. Prestwood, to-wit:

"Amend the amendment of section one striking out the words: 'Thirty-six hundred' and inserting in lieu thereof the words: 'Forty-five hundred.'"

Which was adopted.

Yeas, 19; nays, 9.

*Yeas:*

## Messrs:

Acker	Carmichael	Gunter	Rogers (Sumter)
Beale	Craft	Leith	Sims
Bedsole	Ellis	Miller	Tally
Briscoe	Evins	Moore	West
Carlton	Griffith	McDowell	

—19

*Nays:*

## Messrs:

Brown	Harper	Nance	Prestwood
Butler	Morris	Phillips	Smith (Coosa)
Cowan			

—9

And the amendment offered by Mr. Prestwood, as thus amended, was then adopted.

Yeas, 20; nays, 9.

*Yeas:*

## Messrs:

Acker	Carmichael	Griffith	McDowell
Beale	Craft	Gunter	Rogers (Sumter)
Bedsole	Ellis	Leith	Sims
Briscoe	Espy	Miller	Tally
Carlton	Evins	Moore	West

—20

*Nays:*

## Messrs:

Brown	Harper	Nance	Prestwood
Butler	Morris	Phillips	Smith (Coosa)
Cowan			

—9

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 7.

*Yeas:*

## Messrs:

Acker	Carmichael	Gunter	McDowell
Beale	Craft	Kelly	Rogers (Sumter)
Bedsole	Ellis	Leith	Sims
Briscoe	Espy	Miller	Tally
Butler	Evins	Moore	West
Carlton	Griffith		

—22

*Nays:*

## Messrs:

Cowan	Morris	Phillips	Smith (Coosa)
Harper	Nance	Prestwood	

—7

The bill:

S. 424. To permit bonds to be given for property seized under the prohibition act, pending appeals to the Supreme Court.



Was taken up.

The Standing Committee on Judiciary offered the following substitute for said bill, to-wit:

A BILL

To be entitled an act to permit bonds to be given for property seized under the prohibition act, pending appeals to the Supreme Court.

Be it enacted by the Legislature of Alabama:

That when a conveyance, vehicle of any kind, or animal, or harness used in drawing the same, is seized by an officer of the State under the prohibition laws of this State, and has been condemned by the court that tried the same, the defendant in the proceedings, or the claimant of the property, pending an appeal to the Supreme Court, or Court of Appeals, may, upon motion, have the court immediately appraise the value of said property and of the several items, separately, and shall have the right to execute a bond in double the appraised value of such property, or of any item, or items thereof, the same to have proper security and to be approved by the clerk or register of the trial court, and conditioned that in the event the appeal is affirmed to deliver the property for which a bond is given to the sheriff within thirty days from the date of such affirmance, to be disposed of according to law, and to pay any difference between any value thereof at the time of the original appraisal, and at the time of the delivery to the sheriff, the difference in value to be determined by the trial court. On the execution of such bond the sheriff shall deliver said property to the defendant, or claimant executing such bond. Provided further, that upon the failure of the bondsmen to deliver the said property within thirty days after the appeal has been affirmed, the bond shall be returned by the sheriff forfeited, and execution may issue thereon against the principal and sureties for the amount of the value of the property or in case of the return of the property, for the difference between the value fixed by the court on the original appraisal, and the final appraisal when it is returned after the appeal is affirmed.

Mr. McDowell offered the following amendment to said committee substitute to-wit:

"Insert after the word "affirmed" where said word first appears the words: "or reversed and subsequently condemned on another trial."

And

Insert after the word "affirmed" where it appears the second time in said bill, the words: "or within thirty days after condemnation on another trial if the judgment be reversed."

Which was adopted.

And the substitute offered by the committee, as thus amended, was then adopted.

Yeas, 25; nays, 0.

*Yeas:*

Messrs:

Beale	Craft	Harper	Phillips
Bedsole	Ellis	Leith	Prestwood
Briscoe	Espy	Miller	Rogers (Sumter)
Brown	Evins	Moore	Sims
Butler	Griffith	Morris	Smith (Coosa)
Carlton	Gunter	McDowell	West
Carmichael			

—25

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 27; nays, 0.

*Yeas:*

Messrs:

Beale	Cowan	Harper	Prestwood
Bedsole	Craft	Leith	Rogers (Sumter)
Briscoe	Ellis	Miller	Sims
Brown	Espy	Moore	Smith (Coosa)
Butler	Evins	Morris	Tally
Carlton	Griffith	McDowell	West
Carmichael	Gunter	Phillips	

—27

*Nays:*—None.

The bill:

S. 311. To provide ways and means for the State highway department of Alabama to accept automobile trucks, road equipment and road materials from the United States government, and to pay freight, loading, unloading, moving, housing and such other expenses as may be necessary in receiving and caring for such equipment and materials; and to appropriate \$40,000.00 out of any funds in the State treasury not otherwise appropriated, or so much thereof as may be necessary to defray such expenses, such funds to be returned by the State highway department to the State treasury out of any funds that may accrue to said State highway department out of any appropriation or laws raising revenue for the use and benefit of said department for the construction and maintenance of State highways.

Was taken up.

Mr. Prestwood moved that the pending bill be carried over until after the disposition of the revenue bill.

Mr. Rogers of Sumter moved to table the motion made by Mr. Prestwood, which motion prevailed and the motion made by Mr. Prestwood was laid on the table.

And said bill was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 20; nays, 2.

*Yeas:*

Messrs:

Beale	Craft	Kelly	Nance
Briscoe	Ellis	Leith	Rogers (Sumter)
Butler	Espy	Miller	Sims
Carlton	Griffith	Morris	Smith (Coosa)
Carmichael	Harper	McDowell	Tally

—20

*Nays:*

Messrs:

Phillips	Prestwood
----------	-----------

—2

The bill:

H. 509. To require all unpaid fees accruing to the sheriff or clerk and fees accruing to State's witnesses in criminal cases in Henry county, Alabama, since the first day of January, 1913, and prior to the first day of August, 1919, to be registered and paid out of the fine and forfeiture fund of said county.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

*Yeas:*

Messrs:

Beale	Craft	Miller	Prestwood
Bedsole	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Harper	McDowell	Tally
Butler	Kelly	Nance	West
Cowan			

—21

*Nays:*—None.

The bill:

S. 205. To regulate fraternal beneficiary societies, orders or associations.

Was taken up.

The Standing Committee on Banking and Insurance offered the following amendment to said bill, to-wit:

Amend section 1 of a bill to be entitled, "An act to regulate fraternal beneficial societies, orders or associations," by amending said section 1 to read as follows:

"Section 1. Any fraternal benefit society, order or association now operating in this State issuing benefit certificates to its members, in accordance with its laws providing for the establishment of its membership into divisions and classes of the same age of entry, may provide in its laws and certificates for the payment of benefits from special funds created for such purpose to the oldest member of the division and class upon the death of a member in the same division and class; provided, that no fraternal benefit society, order or association not now operating upon this plan in this State shall be hereafter authorized to adopt such plan, or operate such plan in this State."

Which was adopted.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Beale	Carlton	Miller	Phillips
Bedsole	Craft	Moore	Sims
Briscoe	Ellis	Morris	Smith (Coosa)
Brown	Harper	McDowell	Tally
Butler	Leith	Nance	West

—20

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Beale	Cowan	Leith	Nance
Bedsole	Craft	Miller	Sims
Briscoe	Ellis	Moore	Smith (Coosa)
Butler	Gunter	Morris	Tally
Carlton	Harper	McDowell	West

—20

Nays:—None.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 299. To authorize the court of county commissioners of Henry county, Alabama, to settle, adjust and refund, or either, the outstanding unpaid indebtedness against said county, by directing all or any portion of the surplus funds thereof on hand, disbursed in payment of all or any portion of the matured part of said indebtedness, and authorize the issuance of interest-bearing warrants of said county for the remainder of any portion

thereof of said indebtedness, also authorize such warrants to issue for all or any part of the outstanding unpaid unmatured indebtedness against said county, providing to such warrants the same protection to which said indebtedness is entitled, in order that the income of said county, after defraying current governmental expenses, may be arranged to pay said indebtedness.

Also:

S. 296. To authorize W. J. Lee, E. E. Etheredge, and R. N. Streater, and their successors in office, as trustees of public school district No. 59 in the town of Town Creek, Lawrence county, Alabama, to execute a mortgage and borrow money on the real estate belonging to said trustees and their successors in office, in the town of Town Creek, Lawrence county, Alabama.

Also:

S. 349. To enlarge and further define the duties and fix the compensation of humane officers in counties of this State having a population of not less than 80,000 nor more than 82,000, according to the Federal census of 1910, or any subsequent Federal census.

Also:

S. 297. To ratify and confirm an election held by the qualified voters of the town of Town Creek in Lawrence county, Alabama, on the 15th day of April, 1918, for the purpose of ascertaining whether or not said town would issue bonds in the sum of \$5,000.00 to draw interest at the rate of 5% per annum, and to further authorize the mayor and aldermen of the town of Town Creek, Lawrence county, Alabama, to sell said bonds, and to use the money and proceeds of the sale of said bonds in the erection and equipping of a school house in the town of Town Creek, Lawrence county, Alabama, known as school district No. 59, which school building is to be used for the benefit of the children of the town of Town Creek, Lawrence county, Alabama.

And has amended as therein shown and as amended has passed:

S. 24. To provide for the assessment and collection of municipal general and special taxes, without any commission or compensation whatsoever, in all cities in the State of Alabama having a population of more than 100,000, according to the last or any subsequent Federal census, and to repeal, etc., sections 36 or 37 of an "Act to provide for and regulate the assessment, levy and collection of municipal taxes of all cities in the State of Alabama having over 100,000 population, according to the last Federal or State census, or according to any succeeding Federal or State census, to define the duties of the State, county or municipal officers in regard thereto, to fix a tax year for such cities,

and to make the county tax collector of each county ex-officio the collector of property tax for each of said cities within the county." Approved March 4th, 1911.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. West, the bill, S. 24, the title of which is set out in the foregoing message from the House, and the House amendment thereto, was laid on the Secretary's desk for investigation of the amendment to said bill adopted by the House.

#### RECESS.

On motion of Mr. Briscoe, the Senate at 12:25 o'clock P. M., took a recess until 2:30 o'clock this afternoon.

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#### AFTERNOON SESSION—THIRTY-FIFTH DAY.

Wednesday, August 13, 1919.

The Senate re-assembled at 2:30 o'clock P. M., Lieutenant Governor Miller presiding.

#### ROLL CALL.

On a call of the roll 22 members were present, a quorum of the Senate.

#### INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Sims:

S. 501. To provide for the organization, operation, and further supervision of fire insurance rate-making bureaus, and fire insurance companies in this State and for the regulation and control of such rates and such companies.

Banking and Insurance.

By Mr. West:

S. 502. To provide for the electrocution of persons sentenced to death.

Judiciary.

Also:

S. 503. To authorize and empower the solicitor, in all circuits in the State of Alabama, having five or more circuit judges, to employ any and all shorthand reporters necessary to properly report the proceedings before the grand jury, and transcribe the same, and stenographer, or stenographers, for the office work of such solicitor; and any and all assistants necessary to properly administer justice in such circuits; and to fix their compensation and the manner of payment of such compensation and salaries; and to incur any and all expense necessary to properly administer justice in such circuits.

Judiciary.

Also:

S. 504. To levy a per capita tax for school purposes and to provide for its collection and distribution.

Education.

Also:

S. 505. To compel all railroad companies and all electric railway companies or other companies or persons operating railroads in the State of Alabama to put and keep the approaches and crossings of public road crossings of such company railroad tracks in proper repair.

Public Roads and Highways.

Also:

S. 506. To authorize the compiling of any or all fiduciary fees, and witness fees, in the hands of registers in chancery, probate judges and clerks of courts of record, in all counties of the State of Alabama which have a population of more than two hundred thousand, or which may hereafter have a population of more than two hundred thousand, which fees have been in the hands of any of such officials, or have been paid into their hands by any former official of whom they are the legal successors, and are unclaimed for a period of three years, and to provide for the payment of same by such officers into the treasury of their respective counties.

Judiciary.

By Mr. Griffith:

S. 507. To amend sections 2 and 4 of an act entitled, "An act to provide for the control of venereal diseases by an antenuptial examination of men, which shall be done within fifteen days before granting marriage license, fixing penalties for non-compliance," approved February 19, 1919.

Public Health.

By Mr. Griffith:

S. 508. To authorize and empower cities and towns of the State of Alabama having any streets paved with other material than macadam, when deemed necessary by the governing bodies of such cities and towns, to resurface or add to the surface of such paving without removing the entire wearing surface of the existing pavement; and to assess the cost thereof against the abutting property.

Municipalities and Municipal Organizations.

Also:

S. 509. For the relief of Rev. J. M. Johnson.

Finance and Taxation.

By Mr. Evins:

S. 510. To amend section 6016 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Moore (by request):

S. 511. To amend and consolidate sections 54, 55, 56, 67, and 58 of the Code, and the act of April 7, 1911, and the act of March 9, 1915, all relating to the "Canebrake Agricultural Experiment Station," at Uniontown, Alabama.

Agriculture.

By Mr. Kelly:

S. 512. To repeal an act of the Legislature of the State of Alabama, entitled an act requiring the election of members of courts of county commissioners, or boards of revenue of counties in the State having, or may hereafter have an area of one thousand five hundred seventy-five square miles, or more, by the voters only of the district which such commissioners represent, and to make such officers ineligible to election as their own successors, approved September 10, 1915.

Revision of Laws.

Also:

S. 513. To repeal an act of the Legislature of the State of Alabama, to permit county commissioners in any county of Alabama which has or may have an area of one thousand five hundred seventy-five square miles, or more to succeed themselves in office if they are properly qualified and elected, approved September 28, 1915.

Revision of Laws.

By Mr. West:

S. 514. To amend an act to regulate inferior courts in cities having more than 35,000 population, according to the last or any subsequent Federal census, to prescribe the jurisdiction of such courts, and provide for the number and compensation of the



judges for such courts and to provide for the appointment and compensation of the clerks and assistant clerks thereof, and to abolish the office of justice of the peace in such cities," the said act being approved September 25, 1915.

Local Legislation.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 210. To conserve the natural resources of the State of Alabama, to change the name of the department of game and fish to the department of conservation and to provide that the State game and fish commissioner shall be, hereafter, known as the commissioner of conservation, to vest in the commissioner of conservation the power to enforce and administer all laws providing for the preservation, protection and propagation of wild birds, wild fur-bearing quadrupeds, game, forests, fish, oysters and other shell-fish, crustaceans, and all other natural resources of the State, which have not been reduced to private ownership, and to provide that all expenses incurred in the administration of the conservation laws shall be paid out of the game and fish protection fund and the oyster fund.

And returns same herewith to the Senate.

Fred H. Gormley,  
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Dickson:

H. J. R. 119. Resolved by the House, the Senate concurring, That when the Legislature adjourns today it be to meet Friday, the 15th, at 10 A. M.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

HOUSE MESSAGE.

H. J. R. 119, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING.

The bill:

S. 285. To make an appropriation for the relief of Robert H. Greene.

Was read a third time at length and passed.  
Yeas, 26; nays, 5.

*Yeas:*

## Messrs:

Acker	Cowan	Harper	Phillips
Beale	Craft	Leith	Rogers (Sumter)
Bedsole	Ellis	Miller	Sims
Brown	Espy	Moore	Smith (Lawrence)
Butler	Evins	McDowell	Tally
Carlton	Griffith	Nance	West
Carmichael	Gunter		

—26

*Nays:*

## Messrs:

Briscoe	Morris	Prestwood	Smith (Coosa)
Kelly			

—5

## The bill:

S. 454. To amend an act approved February 19, 1919, entitled, "An act to amend section 1 of an act entitled an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained, approved September 10, 1915."

Was taken up.

Mr. Espy offered the following substitute for said bill, to-wit:

## A BILL

To be entitled an act to amend section 1 of an act entitled, "An act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained, approved September 10th, 1915."

Be it enacted by the Legislature of Alabama:

Section 1. That section one of an act, approved February 19, 1919, to amend section one of an act to designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained, approved September 10th, 1915, be amended so as to read as follows:

"Section 1. That the following described roads are hereby declared State trunk roads:

"Road No. 1.—That certain road described as beginning at the point where the Athens and Fayetteville road crosses the Tennessee-Alabama State line extending southward to Athens, Decatur, Hartselle, Falkville, Cullman, Blount Springs, Birmingham, Calera, Clanton, Montgomery, Lowndesboro, Selma, Saf-

ford, Gastonburg, Catherine, Pine Hill, Thomasville, Jackson, Mobile, Grand Bay to Mississippi State line.

"Road No. 2.—That certain road described as beginning at the Alabama-Georgia State line where road from Edwardsville, Alabama, to Tallapoosa, Georgia, crosses said line extending westward to Heflin, Anniston, Alexandria, Gadsden, Ashville, Springville, Birmingham, Bessemer, Tuscaloosa, Reform to Alabama-Mississippi State line near McGary, Miss.

"Road No. 3.—That certain road as described as beginning at Girard, Alabama, and extending westward to Tuskegee, Montgomery, Lowndesboro, Selma, Marion Junction, Massilon, Uniontown, Faunsdale, Demopolis, Livingston, Cuba to Alabama-Mississippi State line.

"Road No. 4.—That certain road described as beginning at Alabama-Mississippi State line near Margerum, Alabama, and extending eastward to Cherokee, Tuscumbia, Leighton, Courtland, Decatur, Madison, Huntsville, Brownsborough, Gurley, Paint Rock, Scottsboro, Stevenson, Bridgeport to Tennessee-Alabama State line.

"Road No. 5.—That certain road described as beginning at Alabama-Tennessee State line north of Huntsville and extending southward to Huntsville, New Hope, Guntersville, Albertville, Boaz, Attalla, Gadsden to Alexandria.

"Road No. 6.—Beginning at Albertville, Alabama, and extending to Crossville, Geraldine, Fyffe, Sylvania, Valley Head, to the Alabama-Georgia State line near Sulphur Springs, Georgia.

"Road No. 7.—That certain road described as beginning at the city limits of Tuscaloosa and extending southward to Eutaw, Gainesville to Livingston intersecting there with road No. 3.

"Road No. 8.—That certain road described as beginning at Alabama-Tennessee line north of Florence extending southward to Florence, Sheffield, Tuscumbia, Russellville, Hackleburg, Hamilton, Guin, Fayette, Tuscaloosa, Greensboro, Marion to a point on road No. 3 near Marion Junction.

"Road No. 9.—That certain road described as beginning at a point on road No. 8 near Rockwood and extending southward to Haleyville, Jasper, Birmingham, Pell City, Talladega, Sylacauga, Goodwater, Alexander City, Dadeville, Fayette to Lanett.

"Road No. 10.—That certain road described as beginning at Columbia, extending to Dothan, Ozark, Brundidge, Troy, Montgomery, Wetumpka, Rockford to Sylacauga.

"Road No. 11.—That certain road described as beginning at Montgomery, extending southward out what is known as Mobile road to Fort Deposit, Greenville, Burnt Corn, Bay Minette to Fairhope.

"Road No. 12.—That certain road described as beginning at Dothan, extending to Hartford, Geneva, Sampson, Opp, Andalusia, Brewton, Atmore to intersection with road No. 11 north of Bay Minette.

"Road No. 13. That certain road described as beginning at a point on road No. 9 near Lanett and extending southward to Opelika, Auburn, Tuskegee, Union Springs, Troy, Elba to intersection with road No. 12 near Opp.

"Road No. 14.—That certain road described as beginning at Guntersville, and extending south to Blountville, Cleveland, Addville, Seefville, Pinson to Birmingham.

Road No. 15.—That certain road described as beginning at a point on road No. 1 near Safford and extending westward to Thomaston, Linden, Myrtlewood, Butler to Mississippi line.

"Road No. 16.—That certain road described as beginning at Brundidge, extending eastward to Clio, Louisville, Clayton to Eufaula.

"Road No. 17.—That certain road described as beginning at Eufaula and extending southward to Abbeville, Newville, Headland, to Dothan.

"Road No. 18. That certain road described as beginning at Hamilton and extending to Detroit, Sulligent, Vernon, Millport and Reform.

"Road No. 19.—That certain road described as beginning at Goodwater and extending northeastward to Ashland, Lineville, Wedowee, Roanoke, Rock Mills to Georgia State line.

"Road No. 20. That certain road described as beginning at Marion and extending northward to Centerville, Blockton to Bessemer.

"Road No. 21. That certain road described as beginning at Talladega and extending to Oxford.

"Road No. 22.—That certain road described as beginning Garden City and extending to Blountsville to Oneonta.

"Road No. 23.—That certain road described as beginning at Gadsden and extending to Center and the Georgia State line near Kirk.

"Road No. 24.—That certain road described as beginning at Florence and extending eastward to Rogerville, Athens to Huntsville.

"Road No. 25.—That certain road beginning at the intersection of the Forest Home and Greenville road with road No. 11 and extending westward to Forest Home, Pine Apple Station, Oak Hill, Camden, Prairie, Catherine to intersection with road No. 1.

"Road No. 26.—That certain road described as beginning at Andalusia and extending northward to Brantley, Luverne, La-Pine and to intersection of road No. 10 near Sprague.

"Road No. 27.—That certain road described as beginning at Greensboro and extending south to Faunsdale, Demopolis, Linden, Miller to Thomasville.

"Road No. 28.—That certain road beginning at Greenville and extending southward to Bolling, Chapman, Georgiana, Garland, Evergreen, to Brewton.

"Road No. 29.—From Anniston to Jacksonville, Piedmont, Rock Run to Georgia line.

"Road No. 30.—That certain road beginning at Enterprise, Alabama; Ozark, Alabama, running to Ariton, Alabama, thence to Elamville, Louisville, Clayton and thence to Eufaula Alabama.

"Road No. 31.—That certain road described as beginning at Alabama and Georgia State line, near Georgetown, thence to Eufaula, thence to Union Springs, thence in a westerly direction to Montgomery.

"Road No. 32.—From Dadeville in Tallapoosa county to Tallassee in Elmore county, from Tallassee to Wetumpka in Elmore county, from Wetumpka to Montgomery, the Capital of the State.

"Road No. 33.—That certain road described as beginning at Clayton and extending northwest to Mt. Andrew, thence north to James, thence in a northwesterly direction to Union Springs, thence in a westerly direction to Bughall, Shopton, and to Downing in Montgomery county, thence to Montgomery, Alabama.

"Road No. 34.—That certain road beginning at Anniston, Alabama, and extending westward to Lincoln, Truss Ferry, Pell City, Cropwell, Vincent, Wilsonville, Columbiana to Calera.

"Road No. 35.—That certain road described as beginning at the point of intersection with road No. 17, about seven miles south of Eufaula, and extending southward by the Alexander Mill, Liberty Church, to Abbeville, following the old Eufaula and Abbeville road, thence along the upper Abbeville and Franklin road to the Old Trail road near Wesley, thence southward along said Old Trail Road by Old Zion Church to Willis Cross roads, thence along Smith Ferry road via Hardwickburg to Columbia and Franklin Ridge road, thence crossing Smith Bridge via Haleburg to Abbeville and Columbia Highway, thence along said highway to Columbia and there intersecting road No. 10."

Section 2. That nothing in this act shall be construed as interfering with or abolishing any other State trunk road already established.

Mr. Acker offered the following amendment to said substitute, to-wit:

Amend the substitute by adding thereto the following:

"That certain road beginning at or near Dadeville, Alabama, on road No. 9 and extending to Camp Hill, Opelika and Phoenix City."

Amend the substitute by adding to the substitute at the end thereof the following:

"Also the Horse-Block and Ivy Mountain road, beginning at the city of Anniston, thence to the town of Oxford, thence via McClurkin's Mill, Horse Block Mountain, Abel, Delta, to Lineville.

Also the Eufaula and old Spring Hill road commencing at Eufaula via Lugo, Hawkinsville, old Spring Hill to the Bullock county line, thence to Midway and Union Springs, known as the old Spring Hill and Eufaula road.

Which was adopted.

Yeas, 26; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan
Beale	Craft
Bedsole	Ellis
Briscoe	Espy
Brown	Griffith
Carlton	Gunter
Carmichael	Leith

Miller
Moore
Morris
McDowell
Nance
Phillips

Prestwood
Rogers (Sumter)
Smith (Coosa)
Smith (Lawrence)
Tally
West

—26

*Nays:*—None.

Mr. Briscoe offered the following amendment to said substitute, to-wit:

"Amend section 1 by adding at the end thereof the following:

"Road No. 36.—That certain road beginning at the Alabama State line at Phoenix City, Alabama, and running northeast to Opelika, Alabama, thence to LaFayette, Five Points and Roanoke, intercepting trunk road No. 19 at Roanoke, Alabama."

Which was adopted.

Yeas, 27; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan
Beale	Craft
Bedsole	Ellis
Briscoe	Espy
Brown	Griffith
Butler	Gunter
Carmichael	Kelly

Leith
Miller
Moore
Morris
Nance
Phillips
Prestwood

Rogers (Sumter)
Sims
Smith (Coosa)
Smith (Lawrence)
Tally
West

—27

*Nays:*—None.

Mr. Miller offered the following amendment to said substitute:

"Amend by adding at the end thereof the following:

"Also that certain road described as beginning at Bunea Vista, in Monroe county, and running northward by Fatoma to Camden, thence on the Camden and Pine Apple road to John Sharpe's, thence in a northerly direction to T. P. Stuart's thence to McConnico's mill, thence to Ackerville and Carlonville, thence to Camden by Boykin Bridge."

Which was adopted.

Yeas, 25; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Huddleston	Nance
Beale	Craft	Kelly	Sims
Bedsole	Ellis	Miller	Smith (Coosa)
Briscoe	Espy	Moore	Smith (Lawrence)
Butler	Griffith	Morris	Tally
Carlton	Gunter	McDowell	West
Carmichael			

—25

*Nays:*—None.

Mr. Morris offered the following amendment to said substitute:

Also that certain road running from Dothan to Newton, from Newton to Daleville and from Daleville by way of Enterprise, to Elba, Alabama.

Which was adopted.

Yeas, 28; nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Leith	Prestwood
Beale	Cowan	Miller	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Griffith	McDowell	Smith (Lawrence)
Butler	Huddleston	Nance	Tally
Carlton	Kelly	Phillips	West

—28

*Nays:*—None.

Mr. Smith of Coosa offered the following amendment to said substitute:

Amend by adding the following: "That certain road described as beginning at Wetumpka and extending to Equality, Nixsburg, Lauderdale and Goodwater.

Which was adopted.

Yeas, 24; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Leith	Rogers (Sumter)
Bedsole	Ellis	Moore	Sims
Briscoe	Espy	Morris	Smith (Coosa)
Brown	Griffith	McDowell	Smith (Lawrence)
Butler	Gunter	Nance	Tally
Carmichael	Huddleston	Prestwood	West

—24

*Nays:*—None.

Mr. Brown offered the following amendment to said substitute:

Amend by adding at end of the bill: Extending State trunk road No. 22 from Oneonta, Blount county, by Springville, Oden-ville to Pell City, St. Clair county, by Seddon, Riverside to Lincoln, Talladega county.

Which was adopted.

Yeas, 25; nays, 0.

*Yeas:*

Messrs:

Bedsole	Espy	Miller	Prestwood
Brown	Griffith	Moore	Rogers (Sumter)
Butler	Gunter	Morris	Smith (Coosa)
Carlton	Harper	McDowell	Smith (Lawrence)
Cowan	Huddleston	Nance	Tally
Craft	Leith	Phillips	West
Ellis			

—25

*Nays:*—None.

Mr. Carlton offered the following amendment to said substitute:

Amend by adding: "Beginning at the Dallas county line going west by Corley's, Consul, Thomaston, Hugo to Linden.

Which was adopted.

Yeas, 25; nays, 0.

*Yeas:*

Messrs:

Bedsole	Espy	Moore	Rogers (Sumter)
Briscoe	Griffith	Morris	Sims
Brown	Harper	McDowell	Smith (Coosa)
Butler	Huddleston	Nance	Smith (Lawrence)
Carlton	Leith	Phillips	Tally
Craft	Miller	Prestwood	West
Ellis			

—25

*Nays:*—None.



Mr. Sims offered the following amendment to said substitute:

Amend by adding:

"Also that certain road leading from Ashland via Queenelda to Talladega, and from Talladega to Stemley at the Coosa river bridge; thence to Easonville and thence to Pell City, Alabama.

Also that certain road leading from Sylacauga by Fayetteville to McGowan's Ferry and to the Shelby county highway leading from Montgomery to Birmingham.

Which was adopted.

Mr. Huddleston offered the following amendment to said substitute:

Amend the substitute to S. 454 by adding at the end thereof the following: "Commencing at Wetumpka and going by Claud to Eclectic, thence to Kent and thence to Tallassee.

Which was adopted.

Mr. West offered the following amendment to said substitute:

Amend substitute for Senate bill 454, by adding at end thereof:

"The public road beginning at Birmingham and running to Taylor's Ferry, on the Big Warrior river, going by way of Powderly, Bessemer and Pineywoods, Jefferson county, Alabama, known as the Taylor's Ferry road."

Which was adopted.

Mr. Huddleston offered the following amendment to said substitute, to-wit:

Amend substitute to S. 454 by adding the following:

Beginning at Alabama river bridge, on to Roberson Springs, then to Deatsville by way of Elmore and Speigners to the Autauga county line.

Which was adopted.

Mr. Harper offered the following amendmnet to said substitute:

Amend substitute for Senate bill No. 454:

Beginning at Columbiana, Shelby county, and running by Calera, and interesting State road at county line between Shelby and Jefferson county.

Which was adopted.

And said substitute, as thus amended, was then adopted.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Beale

Bedsole

Briscoe

Brown

Carlton

Craft

Ellis

Espy

Evins	Leith	Nance	Smith (Coosa)
Gunter	Moore	Phillips	Smith (Lawrence)
Harper	Morris	Rogers (Sumter)	Tally
Kelly	McDowell	Sims	West

—24

*Nays*:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 25; nays, 0.

*Yeas*:

**Messrs:**

Beale	Ellis	Leith	Rogers (Sumter)
Bedsole	Espy	Moore	Sims
Briscoe	Evins	Morris	Smith (Coosa)
Brown	Gunter	McDowell	Smith (Lawrence)
Carlton	Harper	Nance	Tally
Cowan	Huddleston	Phillips	West
Craft			

—25

*Nays*:—None.

#### RESOLUTION.

Mr. Tally offered the following Senate resolution:

S. 113. Resolved by the Senate that the members of the Senate who may attend the exercises tomorrow at Demopolis, take with them the pages, messengers of the Senate.

Which was, under a suspension of the rules, adopted.

#### NOTICE OF MOTION TO TAKE FROM ADVERSE CALENDAR.

Mr. Huddleston gave to the Senate the following notice in writing:

"Notice is hereby given that on the next legislative day I will move to take from the adverse calendar S. 385 and put to its second reading on the Senate calendar.

R. L. Huddleston."

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the governor's amendment to the bill:

H. 104. To repeal section 6698 of the Code of Alabama of 1907, and to make the clerks of the circuit courts of the respective counties ex-officio clerks of the county courts of said counties; to provide payment for services of such clerks, manner of payment and to provide for a bond as such clerk.

Said governor's amendment being as follows:  
In re. H. 104.

*Gentlemen of the House of Representatives:*

Section four of this bill attempts to make the existing official bonds of the clerks of the circuit courts heretofore executed responsible for the performance of the new and additional duties of such clerks, as ex-officio clerks of the county courts. If the terms and provisions of such existing bonds are broad enough to fix responsibility of such bonds for such new and additional duties as are created and imposed by this bill, the provisions of section four to that effect would be unnecessary. But if existing bonds do not cover such new and additional duties, that part of section 4 which attempts to fix such responsibility would be void as attempting to impart into the contract of suretyship an obligation outside of the contract and not in the contemplation of the parties thereto. If the bill should be amended so as to meet this objection, it would receive my approval.

I submit the following proposed amendment:

Strike out section 4, and insert in lieu thereof the following:

"Section 4. That the said clerks of the circuit courts before entering upon the performance of the duties of clerks of the county courts of their respective counties must give bond, with sufficient sureties in such sum as the judge of probate of their respective counties may require, not less than five hundred dollars, payable to the State of Alabama and conditioned faithfully to discharge the duties of clerk of the county court during the time they continue therein, or discharge any of the duties thereof, which bond must be approved by the judge of probate, and filed and recorded in the office of the judge of probate."

Respectfully,

(Signed) Thos. E. Kilby,  
Governor.

August 5, 1919.

And sends same herewith to the Senate.

Fred H. Gormley,  
Clerk.

#### HOUSE AND GOVERNOR'S MESSAGE.

On motion of Mr. Evins, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. 104, the title of which is set out in the foregoing message from the House and said amendment being set out in the foregoing message from the governor:

Yeas, 28; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Huddleston	Phillips
Beale	Craft	Leith	Prestwood
Bedsole	Espy	Miller	Rogers (Sumter)
Briscoe	Evins	Moore	Sims
Brown	Griffith	Morris	Smith (Lawrence)
Butler	Gunter	McDowell	Tally
Carlton	Harper	Nance	West

*Nays:*—None.

Which was a majority of the whole number elected to the Senate.

#### REPORT FROM RULES COMMITTEE.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 119. Resolved by the House, the Senate concurring, That when the Legislature adjourns today it be to meet Friday, the 15th, at 10:00 A. M.

And on motion of Mr. Acker said report was concurred in, and said resolution was, under a suspension of the rules, concurred in and adopted by the Senate.

#### BILLS ON THIRD READING RESUMED.

The bill:

S. 380. To provide for the issuance of certificates or licenses to persons who have practiced dentistry or dental surgery in the State of Alabama for twenty years or more, and to fix the fee for issuing same.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Beale

Bedsole

Carlton

Cowan

Craft

Ellis

Espy

Evins

Gunter

Harper

Huddleston

Leith

Moore

Morris

McDowell

Nance

Phillips

Smith (Coosa)

Smith (Lawrence)

Tally

—20

Nays:—None.

The bill:

H. 11. To extend and regulate the granting of teachers' certificates to persons who served in the army or navy of the United States during the war with Germany.

Was taken up.

Mr. Huddleston offered the following amendment to said bill:

Strike out of section one the following words:

"For the length of time the holder was in the military or naval service of the United States during the war with Germany," and insert in lieu thereof the words: "For two years."

Which was adopted.

Yeas, 28; nays, 0.

*Yeas:*

Messrs:

Acker	Cowan	Huddleston	Phillips
Beale	Craft	Kelly	Prestwood
Briscoe	Ellis	Miller	Rogers (Sumter)
Brown	Espy	Moore	Sims
Butler	Griffith	Morris	Smith (Coosa)
Carlton	Gunter	McDowell	Tally
Carmichael	Harper	Nance	West

—28

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed.

*Yeas*, 28; *nays*, 0.

*Yeas:*

Messrs:

Acker	Craft	Kelly	Phillips
Beale	Ellis	Leith	Prestwood
Briscoe	Espy	Miller	Rogers (Sumter)
Brown	Griffith	Moore	Sims
Butler	Gunter	Morris	Smith (Coosa)
Carmichael	Harper	McDowell	Tally
Cowan	Huddleston	Nance	West

—28

*Nays:*—None.

The bill:

H. 479. To better provide for holding the circuit court of the tenth judicial circuit at Bessemer, in and for the following portions of Jefferson county, to-wit: Williams precinct No. 1, Jonesboro precinct No. 2, Parsons precinct No. 3, Aarons precinct No. 4, Short Creek precinct No. 5, Bethlehem precinct No. 7, Meeks precinct No. 24, Toadville precinct No. 27, Bessemer precinct No. 33, Gwins precinct No. 35, Huey's precinct No. 40, Parkwood precinct No. 41, Mulga precinct No. 49, Virginia Mines precinct No. 51, Fairfield precinct No. 53, and Brighton precinct No. 55, to define the jurisdiction thereof, to provide for organizing and empanelling grand juries therefor and define the jurisdiction of said grand juries, to regulate the holding of said court at said place and otherwise provide therefor.

Was taken up.

The Committee on Local Legislation offered the following amendment to said bill, to-wit:

Amend House bill No. 479 by adding just after section 9 thereof the following section:

Section 9 $\frac{1}{2}$ . That as to civil cases arising in said Fairfield precinct No. 53 and Bethlehem precinct No. 7, the jurisdiction

of said circuit court of the tenth judicial circuit holding at Bessemer shall be concurred with the jurisdiction of the circuit court of said tenth judicial circuit, holding at Birmingham, and as to equity cases arising in the precincts set forth in section 2, the complainant may file or bring such cases in the circuit court of the tenth judicial circuit holding at Bessemer or in the circuit court of the tenth judicial circuit holding at Birmingham.

Which was adopted.

Yeas, 23; nays, 0.

Yeas:

Messrs:

<b>Acker .</b>	<b>Cowan</b>	<b>Kelly</b>	<b>Rogers (Sumter)</b>
Beale	Craft	Leith	Sims
Briscoe	Ellis	Miller	Smith (Coosa)
Brown	Espy	Moore	Tally
Butler	Harper	Morris	West
Carmichael	Huddleston	Phillips	

—23

Mr. Beale—1.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs:

<b>Acker</b>	<b>Cowan</b>	<b>Huddleston</b>	<b>Prestwood</b>
Beale	Craft	Miller	Sims
Briscoe	Ellis	Moore	Smith (Coosa)
Brown	Espy	Morris	Tally
Butler	Gunter	McDowell	West
Carmichael	Harper	Phillips	

—23

Nays:—None.

The bill:

S. 407. To fix the time when a special school tax levied by any county or school district shall become collectible, and to provide for the levy and collection thereof.

Was taken up.

Mr. Acker offered the following amendment to said bill:

Amend section one by adding at the end of said section the following:

“Provided, that this act shall not apply to any election heretofore called or held.”

Which was adopted.

Yeas, 19; nays, 0.

*Yeas:*

Messrs:

Acker	Carmichael	Gunter	Phillips
Beale	Craft	Leith	Rogers (Sumter)
Briscoe	Ellis	Moore	Smith (Coosa)
Brown	Espy	Morris	West
Carlton	Griffith	McDowell	

—19

*Nays:*—None.

And said bill, as thus amended, was read a third time at length and passed.

*Yeas*, 24; *nays*, 0.

*Yeas:*

Messrs:

Acker	Craft	Huddleston	Phillips
Beale	Ellis	Kelly	Rogers (Sumter)
Bedsole	Espy	Leith	Smith (Coosa)
Briscoe	Griffith	Miller	Smith (Lawrence)
Carmichael	Gunter	Morris	Tally
Cowan	Harper	McDowell	West

—24

*Nays:*—None.

The bill:

S. 443. To amend sections 2 and 3 of an act entitled, "An act to establish a board of revenue for Shelby county, and to abolish the court of county commissioners thereof," passed at the session of 1911, being in Local Acts of Alabama, page 154, said amendment making the president and members of said board elective by the qualified voters of said county, and fixing the term of office of said president and members of said board and the time of their election and providing that in case of a vacancy in the office of president or a member of said board, the vacancy shall be filled by election by a majority of the members of the board, for the unexpired term; and provided further that the president and members of the board now holding office shall hold their said office until their successors are elected and qualified under the provisions of this act.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

*Yeas*, 20; *nays*, 4.

*Yeas:*

Messrs:

Acker	Craft	Moore	Sims
Beale	Griffith	Morris	Smith (Coosa)
Briscoe	Harper	Nance	Smith (Lawrence)
Butler	Kelly	Prestwood	Tally
Cowan	Leith	Rogers (Sumter)	West

—20

Nays:  
Messrs:  
Ellis

Evins

Gunter

McDowell

—4

#### RESOLUTIONS.

Mr. Morris offered the following Senate joint resolution, to-wit:

S. J. R. 114. Whereas, the labors, duties and responsibilities of the members of the State Senate and of the House of Representatives are daily becoming more numerous, onerous and difficult, and

Whereas, the suffrage amendment, the remodeling of the school Code, the preparation of an equitable revenue bill, bills to increase the salaries of the judges, bone dry legislation, bills for the conservation of oysters, shrimp, minnows and whales, bills for big bond issues for public roads, bills for bettering the health of men, women, and children, bills for appropriations to cover every conceivable subject, including a flood of local and special bills, and the acceptance of invitations to rooster sales and to inspect harbors, have largely engaged the members of the Legislature, thus making impossible the transaction of necessary State business within the thirty days allowed by the Constitution, and

Whereas, it is rumored that there are still scores of other measures to come before the Legislature and to consume the time of committees during a season of unparalleled heat and severity of living conditions, and

Whereas, under the Constitution, the two houses are known as the Legislature of Alabama, and its sessions are limited to fifty days, and

Whereas, three hundred and sixty-five days is considered a reasonable time every year for taking care of the large volume of legislative business of the State of Alabama, and

Whereas, it would be a manifest injustice to members of the Senate and House to give all their time to such business without a material increase in their salaries, and

Whereas, the H. C. L., otherwise known as high cost of living, has struck the members of the Legislature as powerfully as in other sections of the State; now, therefore,

Be it resolved by the Senate of Alabama, the House concurring:

1. That the name of the legislative body is hereby changed from "Legislature of Alabama" to "The General Assembly of Alabama," and that from this time forth it remain in session, with necessary delays, continuing from day to day for three hundred and sixty-five days each year.



2. That the salary of the presiding officer of the Senate and the Speaker of the House shall be \$15.00 per day and the members of the Senate and House shall be \$10.00 each per day, with twenty-five cents per mile one way for traveling and other expenses.

Which was read and referred to the Standing Committee on Privileges and Elections.

Mr. Phillips offered the following joint resolution:

S. J. R. 115. Be it resolved by the Senate, the House concurring, That when the Legislature adjourns today that it shall stand adjourned until that time when the Senate Committee on Finance and Taxation agrees on a report on a revenue bill.

Which was read and referred to the Standing Committee on Rules.

#### BILLS ON THIRD READING RESUMED.

The bill:

S. 280. To amend the act providing and creating a commission form of government for those municipalities not within the influence or operation of other commission government laws than that approved April eighth, nineteen hundred and eleven, found in the Acts of 1911 at pages 330 to 355 inclusive, as amended by the act approved September twenty-fifth, nineteen hundred and fifteen, found in the Acts of 1915 at pages 869 to 874 inclusive; by amending the title changing and rearranging sections or parts of sections, repealing provisions, and putting in others, so as to have an amended system of government for such towns and cities.

Was taken up.

The Committee on Municipalities and Municipal Organizations offered the following substitute for said bill, to-wit:

#### SUBSTITUTE FOR SENATE BILL NO. 280.

By Committee on Municipalities and Municipal Organizations.

#### A BILL

To be entitled an act to amend an act entitled, "An act to provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not or hereafter may not be within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection and election of commissioners and their tenure of office and retention in and recall from office; to

provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public work, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government," approved April 8th, 1911, and as amended by an act approved September 28, 1915, by amending the title thereof and by amending said act so that it shall apply to cities which have a population of exceeding fifty thousand five hundred and not more than one hundred thousand, according to the last Federal census, and which may hereafter have such population according to any Federal census hereafter taken, and to no others, by providing for the selection and election of a mayor and commissioners and fixing their terms of office and compensation, by abolishing certain offices, by fixing the powers, duties and liabilities of such mayor and commissioners, by creating certain new offices of such cities and providing for the selection of the incumbents thereof, and generally by prescribing a form of municipal government for such cities.

Be it enacted by the Legislature of Alabama:

That the title of an act entitled, "An act to provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection and election of commissions and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government," approved April 8, 1911, and as amended by an act approved September 28, 1915, be and the same is hereby amended to read as follows: An act to provide and create a form of municipal government for all cities of the State of Ala-

bama which have a population exceeding fifty thousand five hundred and not more than one hundred thousand according to the last Federal census, or which may hereafter have such population according to any subsequent Federal census, to regulate the selection and election of the officers of such cities and their terms of office, to fix the powers, duties and compensation of certain officers, to punish improper conduct in connection with elections and petitions hereunder; to abolish the offices of president of the board of commissioners, or mayor, and commissioners of such cities as the same now exist; to provide a method for abandoning the form of municipal government hereby prescribed; and generally to prescribe a form of municipal government for such cities.

Be it enacted by the Legislature of Alabama:

That an act entitled, "An act to provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to provide for the election of one commissioner as mayor and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with election and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government," approved April 8, 1911, and as amended by an act approved September 28, 1915, be and the same is hereby amended to read as follows:

Section 1. The provisions of this act shall apply to and govern all cities in the State of Alabama which have exceeding fifty thousand five hundred, and not more than one hundred thousand, of population according to the last Federal census, or which may have such population according to any Federal census hereafter taken.

Section 2. Upon the election of officers of such cities as the initial election herein provided for, and upon their qualifying for office, such cities shall automatically, and without further action of any kind, come within the provisions of this act, be governed in accordance herewith and be organized hereunder.

Section 3. In the event the election hereinafter provided for in section 291½ of this act should be in favor of the enlarged commission form of government herein established, an election shall be held in said city of Mobile on the first Monday in November, 1919, for the election of the mayor and commissioners of said cities, and thereafter on the second Monday in August in each fourth succeeding year; to elect a mayor and commissioners for all cities herein provided for. Not less than thirty days notice of the time and purpose of the election shall be advertised by the mayor at the said cities' expense in a newspaper of general circulation in said cities and published therein, and should there be none such, then in one of such circulation published in the county containing such city, and should there be none such, then by posting notice at five public places in the city, showing the voting places and offices of election. In case the mayor should not do so, and begin the publication or posting within three days after the passage of this act it shall be done by the judge of probate of the county in which the city is situated.

The qualified electors of said cities shall at such election choose one person who shall be mayor of said city, and in addition as many persons as there are wards within the limits who shall be commissioners of the said city.

Whenever the city limits are contracted or extended, the board of commissioners herein provided for shall have the power to redivide the city into wards. Whenever the number of wards is decreased or increased, then at the next regular municipal election thereafter the mayor and necessary number of commissioners shall be elected, so that such city shall have a mayor and as many commissioners as there are wards within the limits at the time of the election.

The mayor and commissioners chosen at the first election after the adoption of this act, shall serve for an indeterminate term of not exceeding four years, unless sooner removed, or recalled by popular vote as herein provided for, and the terms of all officers holding hereunder are declared to be indeterminate terms. They shall each hold however until their successors are elected and qualified.

The mayor's salary shall be payable in equal monthly installments out of the city treasury, and shall be six thousand dollars per year; but shall be ratable and payable for only the time the mayor serves in office.

The mayor shall not be a member of the board of commissioners except in so far as he has a veto power, as below provided.

The first election above provided for, and each subsequent one, including the naming of candidates, shall conform to the provisions hereinafter made concerning elections. The mayor and commissioners shall hold for an indeterminate term of not exceeding four years from the first Monday in October following their election unless sooner removed or recalled by popular vote as provided for herein, and until their respective successors are elected.

The mayor shall call the election for mayor and as many commissioners as there are wards, and give notice of the election, and if he does not do so within three days after the passage of this act, then such election shall be caused and notice given by the judge of probate as above required. Wherever an election is to be called under this act the officers of election shall be appointed by the legislative body of the city then in office, and if not done in the proper time then by the appointing board of the county not less than ten nor more than twenty days prior to the date of such election.

Section 4. The commissioners shall constitute the governing legislative body of the city, or council referred to in the municipal code, shall be known collectively as the board of commissioners, and shall have the powers and perform the duties hereinafter provided and all such as the law gives or shall give them. They shall qualify for office as provided by section 13 below, within the time there fixed, and not thereafter.

As soon as those elected at the election first above provided for shall have qualified for office, the city shall become and be fully organized under the form of government hereby established and they shall at once take office and enter on the discharge of their duties.

Upon taking office, the board shall elect one of their number as the permanent presiding officer, by a majority vote; he shall be invested with all duties, powers and functions given him by the law, or the board consistently with the law, and not conflicting with those of the mayor but he shall not vote except to break a tie, which he shall do; and he shall not have power to veto any ordinance, resolution, or other action of the board, except when acting mayor as hereinafter provided. When the mayoralty is vacant, the president shall become mayor upon qualifying for the office as hereinafter provided. During the mayor's incapacity, incompetency, illness, or absence from the city, such permanent presiding officer shall act as mayor until the mayor returns to duty, but acts without other compensation than that of a commissioner. When the president thus becomes mayor, and is not simply acting as such, his office as commissioner shall become

vacant, and the board shall select his successor as commissioner and his successor as president. When the president is absent, ill, incompetent or incapacitated, the board shall fill his place as requisite.

The board may require reports and recommendations in writing from any officer or employee of the city at any time and it shall be their duty to make them to the board. The mayor may likewise call for reports and recommendations in writing from any subofficial or employee, and it shall be their duty to make them to the mayor.

The board shall have control of all streets and other improvement ventures of every kind, and all streets, sidewalks, alleys, drains, and drainage, and of all public buildings and property of the city as a legislative body and except as otherwise provided herein.

Each commissioner shall receive a salary of six hundred dollars per annum, payable monthly out of the city treasury; and each salary shall be subject to a deduction of ten dollars for non-attendance upon a meeting of the board, except where the party was prevented from attending by causes incapacitating the same, of which the board shall judge finally, without the right of appeal or review; unless excused for such good cause, he shall not draw nor collect, except after such reduction, the amount coming to him, any warrant to the contrary notwithstanding.

The board shall have power to hear and examine into facts stated in any charges directed to it against a sub-official or employe of the city (except as otherwise provided in this act) for inefficiency, incapacity, dereliction, misconduct or mal-conduct, negligence, or omission, or the violation of any law or duty or of its reasonable rules and regulations. The person charged shall be given notice of the hearing, and the fact of notice shall appear at the hearing; he may have compulsory attendance of witnesses, as the city may, and subpoena shall be issued by the clerk on demand and be served by a policeman or any officer authorized to serve process of the State, or policemen may be sent for them; and he may have counsel present to aid him; during the pending of charges, the board may suspend him from service and pay, if not already suspended; if acquitted he shall be restored to service, and shall be paid for the time of suspension; if convicted, he may be removed by the board from employment as of the date of suspension, without pay pending it, and a final action of the board in the matter shall not be appealable, nor reviewable by any tribunal. The presiding officer at such hearing shall have power to administer oaths, and the board thereat, or at any of its meetings for any purpose shall have power by majority vote to

punish any one guilty of contempt committed in its presence or hearing the same as circuit courts now have.

Section 5. The mayor and board of commissioners chosen at the first election provided by this act, and their successors respectively, shall have all the powers and authority and be charged with all the duties and responsibilities, legislative, executive, and ministerial, theretofore possessed by the mayor or other chief executive officer and governing bodies of such city, by whatsoever name called, including in their power and duties those of all boards, commissions, or departments theretofore existing excepting those of school boards or other boards or commissions or departments having educational matters in charge; and shall continue to have and perform all duties, and remain subject to all responsibilities and liabilities conferred or imposed on them by law not inconsistent with the provisions of this act. The offices and officers, boards, commissions, and departments whose powers, duties or responsibilities are above conferred on the mayor and board of commissioners, shall stand abolished upon the organization of the city under this act.

Such city shall continue its existence as a body corporate, without change of name, and shall be and remain subject to all the duties and obligations pertaining to or incumbent upon it as a municipal corporation; and shall continue to enjoy all the rights, powers, privileges, immunities, and franchises enjoyed by it up to its organization under this act, as well as all those hereafter granted to it. All laws governing it up to such organization and not inconsistent with the provisions hereof, shall continue to apply to and govern it after its organization hereunder.

All ordinances, by-laws, resolutions, motions, rules and regulations, lawfully passed and in effect up to said organization, and not inconsistent with any provisions of this act, shall be and remain in force and effect after such organization, unless abrogated or changed according to law. The territorial limits existing up to such organization shall not be changed by this act, but only as provided by law. All rights, powers and property of every kind, which were vested in it under its former organization, shall vest in it under the new organization herein provided as though no change had occurred in its form of government. No right or liability in favor of or against it and no suit or prosecution of any kind, civil or criminal, shall be affected by such change in the form of government except as otherwise herein provided.

The board of commissioners and its members may exercise such powers and duties as are not conferred upon the mayor or others by this act or by the board consistently therewith. The

board shall have power to fill judicial office and fix the compensation appropriate thereto and delegate or fix executive or ministerial duties, and fix the liabilities or sub-officials and employes and agents, and fix the compensation and terms and conditions of service, consistently herewith; it shall settle the conditions and terms of employment of all sub-officials and employes or agents, except as herein otherwise provided.

Section 5½. The mayor and board of commissioners of all cities affected by this act shall have full, complete and exclusive control and jurisdiction of all rates that are to be charged in ~~said cities for heat, light, water, power, transportation and telephone~~, and shall have full, complete and exclusive authority, power and jurisdiction to fix and regulate the rates to be charged, or, service furnished by all street railways, electric light, power, gas, water, steam heating or telephone companies in said cities; provided, however, that said mayor and board of commissioners shall not have any power, jurisdiction or authority to recognize, allow or authorize any increase in any of the rates now lawfully charged in said cities, unless such increase in said rates shall be authorized by a majority of the qualified voters of said cities, voting in an election to be specially called for that purpose under such regulations as the mayor and board of commissioners shall prescribe.

Section 6. The mayor shall be the chief executive officer of the city. He is charged with the duty of executing and enforcing all laws, and all ordinances, by-laws, resolutions and motions adopted by the board or in force.

He may veto action of the board within five days after the action, giving his written reasons to the board, and at any time within ten days thereafter the board may readopt the same, the veto notwithstanding, by a two-thirds vote of the commissioners competent to vote and able to sit, or else it may modify its action.

He shall make written reports and recommendations to the board as to any matter affecting the public interest.

He shall countersign all checks and contracts.

He shall supervise all business of the city.

He shall perform all duties appropriate to the office of chief executive except as herein otherwise provided and all such as are or hereafter may be provided by law or by the board consistently with law.

The board shall be the legislative body, but the administrative and executive business of the city, except as otherwise herein provided, may be divided by it into departments such as it may determine consistently herewith. It shall so far as necessary fix the powers and duties of sub-officials, agents, and heads of de-



partments under the city and of the members or employes therein, consistently with this act, and from time to time may alter such departments and sub-offices or employments, as may be convenient, or the public interest require. It may make changes, consolidations, additions to, subtractions from or reorganization of each of such departments, except as herein otherwise provided.

Except as otherwise provided by this act, such sub-official and employe of the city shall be selected by nomination of the mayor to the board and confirmation by the board. The salaries or compensation of such sub-officials and employes shall be fixed by the board. The board may, but not inconsistently herewith, prescribe and at any time change or abrogate the powers, duties, titles, term of service, and at conditions and period of service, of all sub-officials and employes, each of whom shall hold his office or employment subject to suspension or removal or dispensing with his service at the board's pleasure, for good cause, notwithstanding they were selected and engaged at the rate of so much per month, year, or other period; and none shall be entitled to hold beyond good behavior.

Except as otherwise provided by this act, the mayor may suspend a sub-official or employee for a violation of any provision of this act, or for other good cause, and shall report in writing to the board the fact and cause of suspension which shall be treated as charges; and charges may be preferred to the board by any elector of the city against a sub-official or employee. Whenever a charge is made, the board shall hear the same at a regular or adjourned meeting and determine the issue, after notice of the time of hearing has been given in writing to the accused for at least a week before the hearing, and for good cause the hearing may be continued; at the hearing the accused and the officer or person making the charges may have counsel, and compulsory attendance of witnesses, if necessary, after subpoena issued by the clerk on demand and served by any policeman or sheriff or deputy sheriff but the board's final decision on the merits shall be non-appealable, and non-reviewable by any tribunal.

The board shall engage from time to time, as it deems best, an expert accountant and fix his pay and duties and liabilities other than are herein fixed. He shall check and audit the accounts of each department, or officer, or employe who keeps or should keep accounts; he shall investigate and examine into facts and circumstances and ascertain whether such accounts are properly kept and are correct and true; he shall in writing report on each account separately at least semi-annually; he

shall sign his report showing that he has investigated the facts and circumstances and that his audit is true, to the best of his knowledge, information and belief, and swear to the same before an officer authorized by law to administer oaths, who shall fix his jurat thereto; the report shall be made by the accountant in person; and he shall read it to the board at a public meeting, or so much of it as the board may require and shall file it with the clerk or secretary of the board, and it shall be a public document; it shall include all proper figures and statements, conclusions and recommendations; such an audit and report of any account **may be required by the board and must be made as much oftener than semi-annually as the board shall determine, from time to time;** and he shall perform such other or different duties as the board may require.

#### PARK DIRECTORS.

The mayor shall nominate to the board and the latter confirm or reject till selections are made of park directors to consist of three women, who shall have been residents of the city and house-holders or free holders therein for at least a year consecutively next preceding their selection, and two men who shall have been residents of the city and house-holders or free holders and qualified electors therein for at least a year consecutively next preceding their selection; which proportions shall be preserved so near as practicable, and the board shall fill any vacancy in the membership resulting from any cause, the qualifications above provided to continue during incumbency. The park directors may make rules and regulations for their government and proceedings, consistently with this act. They shall to the extent provided by the board, or by this act, assist the city in taking care of, acquiring, embellishing, and upkeeping of parks of or for the city, within or without its limits, and the city may acquire and provide parks outside of the city limits as well as within the city limits. The park directors shall make written recommendations to the board from time to time, concerning parks, their improvements and upkeep, landscape gardeners, and florists or horticulturist and all matters connected with parks. The directors shall be sub-officials of the city, but shall serve without compensation. They shall have such powers and duties other than herein fixed as the board may prescribe consistently with the law and this act. All expenses shall be paid by the city, subject to such conditions or rules thereabout as the board may fix. The board shall have power, with or without requisition from the park directors, to assign and cause to be worked in the parks such city prisoners as may properly be worked therein and as may be

selected, in conjunction with the police directors or proper sub-officials of the police department for work in the parks.

#### POLICE DIRECTORS.

There shall be three police directors of whom the mayor shall be one by virtue of his office, but he shall not be their chairman nor preside, and shall serve as director without other compensation than that of mayor.

The other two shall be sub-officials of the city and shall each receive a salary of three hundred dollars per annum payable monthly out of the city treasury. They shall be selected from amongst the qualified electors of the city by nomination of the mayor to the board and confirmation by the board. No one shall be eligible for office as police director, or qualified to hold the office when confirmed, who holds any political office, or who is related to the mayor, or to a commissioner, or to another police director, by consanguinity or affinity within the third or any nearer degree of relationship under the civil law.

Excepting the mayor, the term of one director shall be two and the other four years and their respective successors shall serve four years, so that one shall be selected every two years to serve till their successors are selected and qualified, and these two shall be selected as soon as practicable after the mayor and commissioners take office. The directors other than the mayor shall each qualify for office by making oath before the judge of probate of the county containing the city to support the Constitution of the United States and of Alabama to faithfully uphold, enforce and support the laws of the State and of the city, to fairly and impartially enforce the rules and regulations of the city and of the directors, to obey the lawful directors of the board, and to fully discharge his duty as such director in efficient, impartial and just management of the police department, for the public benefit and without fear or favor. Such oath shall be filed, retained and recorded in the office of such probate judge, and be a public record, and the judge shall be entitled to the same fees as in other such cases. Each shall also, in order to qualify, make such bond to the city and so conditioned as the board shall require, which bond shall be a public record, filed with and kept by the clerk of the Board, and be recorded in the minutes or other record book.

The directors, officers and members of the police force shall not engage in politics in any manner other than to exercise each his own right to vote at the polls. A violation of this section as to this subject shall be ground for removal from office or position, and shall render him who is guilty of it ineligible to selec-

tion for service and for election to office, shall disqualify him to hold his office or position and in case of the mayor, it shall be a ground of contest of his election, and a ground for his removal from the office of mayor.

The directors need not have a seal, but if desired or deemed requisite may use the corporate seal of the city.

A vacancy from any cause in the office of director other than mayor, shall be filled for the unexpired term.

The directors shall elect one of their number other than the mayor to be their chairman; he shall preside, and vote, and have power to administer oaths.

The director shall have a clerk and may require the city clerk to serve them as clerk without compensation other than his salary as city clerk; or if they deem necessary or advisable, they may select some other suitable person as their clerk, who may be a policeman, but he shall serve without other compensation than his salary as clerk, and the clerk shall be subject to suspension and removal by the directors.

The directors shall have power to make and promulgate rules and regulations for the management of the police department, in harmony with the law, or this act, with a view to the proper control and the efficiency of the police department and the proper use of the city's affairs and property under control of the directors.

The directors may call on the city attorney, city health officer, city engineers, and any other official or employee of the city, for advice, information and assistance in any matter connected with or concerning the police department and it shall be the duty of such official and employees to render such advice, information and assistance.

The directors shall select or elect and employ the chief or head of the police force by whatever name called, and all subordinate officers and members of the police force; and, once so chosen, a man shall not be removed for political, or for merely personal reasons or cause, whether he be the chief of police or a subordinate officer, or member. The selection made shall be permanent during good behavior but not by the month, year or other period, and the salary shall be only at the rate of so much per month payable at the end of a month or fraction thereof. All promotions shall come from within the department and shall be based solely and wholly upon faithful and efficient performance, obedience to lawful orders, loyalty to duty and authority, meritorious conduct, fitness for the place. In case of absence from duty without proper leave, unjustifiable discourtesy while on duty, insubordination, any failure of duties, or any conduct un-

becoming a policeman and gentlemen, on the part of any subordinate officer or member of the force, the chief officer in charge of the police force may temporarily suspend the guilty party from the service, and shall at once make report in writing of the facts and circumstances showing the reason to the directors; and they as early as practicable shall hear the facts at a regular or adjourned or called meeting, affording the suspended person reasonable opportunity for defense and to have witnesses and counsel, under the same rights and procedure as in case of hearings by the board.

On the hearing, the directors shall adjudge the case and restore the suspended person to his same position or some other, or else dismiss him from the force, according to the facts and his fitness, without pay from the time of suspension if dismissed, and otherwise with full pay pending the suspension. Their final decision in the matter shall not be appealable, and shall not be reviewable by any tribunal.

At such hearing or at any of their meetings for any purpose, the directors shall have power by majority vote to punish any one guilty of any contempt committed in their presence or hearing, the same as circuit courts now have.

The headquarters of the directors shall be at the principal police station where quarters shall be properly provided for them, or at some other proper place which the board of commissioners shall provide. The directors shall hold a regular meeting at least monthly on a stated day, and adjourned, special or called meetings as they deem necessary or advisable. A meeting shall be held on the request of any director; two directors shall be necessary and sufficient for a quorum to transact business, but a director may adjourn and compel attendance of the others for business. A full, true and correct record of their proceedings shall be kept in a well-bound book systematically indexed. All meetings shall be public, and the vote shall be recorded and taken by yeas and nays on demand of any director.

At least semi-annually and as often as the board may demand or request, the directors shall make the board a written, itemized and detailed account of disbursements, and of the condition of property under control of the directors, and of all matters connected with the police department as called for or proper.

The directors shall fix the rate of compensation of the chief and each subordinate officer and member of the force, subject to confirmation or rejection by the board in any case or cases.

The directors shall purchase all supplies, apparatus, and material for the department under their charge, including proper supplies for the care of prisoners, and all persons under care of

the police. City prisoners under conviction may be worked under rules and regulations of the directors, in caring for municipal buildings, streets, alleys, cemeteries, parks or other property under the city's control.

Annually, at the first meeting in October, the directors shall submit to the board a budget of amounts deemed necessary or proper for salaries and all expenses proposed for operating the department for the ensuing year. All sums appropriated therefor by the board shall be kept separately from other funds by ~~whoever~~ keeps or disburses the city's funds, in an account to the credit of the police department, which shall be drawn upon only by warrant on the city treasurer or keeper of the funds, to be ordered by the directors, signed by the chairman and countersigned by the mayor. Each warrant shall be issued from a well-bound book containing corresponding stub with a receipt thereon to be signed by the party in whose favor the warrant is issued, and such book shall be kept subject at all reasonable times to public inspection, in the hands of the chairman or clerks as the directors require from time to time.

The chief police officer in charge of the force shall make to the directors an original and to the board a duplicate report in writing monthly, detailing the workings of the force under him, and at such other times as the directors or the board may require as to general or any particular matters.

No one shall be eligible to become a chief or subordinate officer nor a member of the police force unless at the time he be a citizen of the United States and a duly qualified elector of the city, and fit to comply with the requirements above made for promotion.

The directors are empowered to create and maintain a pension fund for the benefit of officers and members of the force. The clerk of the recorder's or police court, or whoever collects the fines levied therein, shall from each fine collected deduct and pay 2% thereof to the city treasurer which the latter shall deposit separately from all other funds of the city, and carry in an account to the credit of the police pension fund. One-fourth of each reward offered and payable by the city to any officer or member of the force shall be withheld by the treasurer and carried into said fund and account. There shall be deducted each month from the pay of each officer and member of the police force one-half of one per cent thereof, which the treasurer shall withhold and carry in the said fund and account. Each fire, casualty, automobile, marine or other insurance company or concern doing business in the city, except those operated by or being purely benevolent orders or concerns, shall be assessed and pay

over to the proper city official one-quarter of one per cent per annum on gross premiums received the preceding year from business done in the city, which shall go into said fund and account. And said fund may be added to from any other legitimate source. From time to time as the fund increases, or enough remains to invest, the directors shall invest it in United States, State of Alabama, County of Mobile, or Mobile City bonds, for its increase against the time for disbursement to those entitled, and whenever necessary or deemed by them advisable the directors may borrow against or re-convert the bonds for the sole purpose of protecting the fund or paying pensions from it.

Any chief or subordinate officer or member of the force in service at the approval or adoption of this act who shall have served continuously and without demerits, is entitled to be credited with such service towards being awarded a pension hereunder. Whenever he shall have served continuously on the city force for twenty-five (25) years without demerits affecting his honor or the honor of the force, he shall be placed upon the pension roll of the city and be paid a pension from said fund equaling one-half per month of the compensation he was receiving when he attained the pension roll, if he elects to go upon the roll and retire from the city's service; or, at his election, if physically and otherwise fit, he may be continued in active service on the force with the privilege of afterwards voluntarily retiring from active service on the force if not under charges or if acquitted thereof and not under such demerits as above set out, and of going on the roll; but he shall not receive a pension and at the same time remain in the city's service. The directors may make rules and regulations consistently with this act concerning the matter of the pensioning of the police force, for increasing, preserving, disbursing the fund, and concerning terms for its enjoyment.

The directors shall have power to carry on the lives of all officers and members of the police force, and on their safety, under such provisions, conditions and terms as they may fix from time to time, a blanket insurance against death, accident or casualty to or illness of officers and members of the force in a reasonable sum not less than fifteen thousand (\$15,000.00) dollars. The amount of the policy above that minimum shall be subject to control of the board. Insurance shall be used to pay for loss of life, accident, injury or illness to an officer or member, or to such members of his family as the directors may prescribe by its rules and regulations, which they may make concerning insurance. The premium shall be paid by the city.

## FIRE DIRECTORS.

There shall be three fire directors, of whom the mayor shall be one by virtue of his office, but he shall not be their chairman or presiding officer, and shall serve as director without other compensation than as mayor. The qualifications of the other two; their official character as sub-officials; the manner of their selection; their compensation and its manner of payment; the provisions concerning all officers and persons; all penalties of every kind; all rules of eligibility; their terms of office; time of selection and time of service; the rules as to qualifying for office; the provisions concerning oaths; the provisions as to engaging in politics; use of a seal; the causes or grounds of vacancy and the filling of vacancies; the selection, powers and duties of their chairman; the provisions as to a clerk for them; the provisions as to their making rules and regulations; the provisions as to calling on the city attorney, city health officer, city engineers, and other officials and employees of the city; the selection of the chief or head and of the officers and members of the fire department force, and their suspension, removal, dismissal, hearing of charges and promotions, and procedure, decisions, and appeals therefrom; the provisions as to headquarters other than herein otherwise provided; provisions as to regular, adjourned and called or special meetings; provisions as to quorum and keeping of records of proceedings; provisions as to fixing the compensation of officers and members of the department, and as to the purchase of supplies, apparatus and material for the department, except as below provided; provisions as to budget and expenses, keeping funds separate and accounts thereof, and drawing and disbursing of moneys, provisions as to warrants, stubs and books; reports by the chief; the provisions as to pension fund and pensions, their creation, preservation, increase, disbursement, re-converting and borrowing; provisions as to eligibility or qualifications for drawing pension, and their enjoyment; the making of rules and regulations; the provisions as to carrying insurance, and making rules and regulations thereabout; the provisions as to the abrogation, duties, privileges, powers, property and rights of every kind; which are above provided for the police directors and police department of the city shall apply to and be in force concerning fire directors and fire department; and those provisions as to the police directors and police department shall read the same and are enacted here for and concerning the fire directors and fire department of the city except as herein changed; wherever words occur there they shall be substituted and read here as follows: for instance: "Police director" and "Police directors" there shall read here "fire director" and "fire



directors." "Police department" shall read here "fire department;" "chief of police" shall read here "chief of the fire department" or "fire chief." "Police officer" shall read here "fire officer." "Police station" shall read here "fire station." "Police force" shall read here "fire force" or "fire department force." "Police" shall read here "fire" or "fireman." "Police pension fund" shall read here "firemen's pension fund." All the provisions concerning police directors and the police department made above shall, the same as if rewritten here apply to the fire directors and fire department, except as herein changed or made different; the term of office of one fire director other than the mayor shall expire in 1925, and that of the other than the mayor in 1926, and on such expiration their respective successors shall be chosen each for the term of six years; the fire directors shall control all fire stations and property of the city connected with or used in or by or for use in or by the fire department, its officers and members; the fire directors shall have full control of the fire department and property and of its management; the fire directors shall select and employ and suspend or dismiss all officers and members of the fire department in the same way and on like grounds as are provided for the police department; and fix the compensation of chief and officers and men, subject to confirmation by the board; the directors shall see that all engines, vehicles, hose, and all paraphernalia and appurtenances of the fire department, including all stations, buildings and property used in this department, are kept and maintained at all times in good condition and repair, in cleanly and efficient condition, and see that all fire hydrants and water facilities and all facilities for fighting fires efficiently and effectively, are at all times in first-class order, condition and abundance, so as efficiently and safely and properly to protect the property of the city and of its inhabitants, the State and the United States, and of the county containing the city, and shall see that at all times the officers and members of the force are most efficient and fit, in personnel and morals and character and ability and industry, so that the men and means shall be competent and fit at all times and in all emergencies in the highest standard of excellence. The board shall provide and furnish the money and means for accomplishing the above purposes, and shall appropriate from the city's funds whatever amounts shall be proper, available and necessary therefor. The fire directors shall have power to pledge the city's credit for payment of salaries and the purchase of all necessary supplies, engines, machines, paraphernalia, and facilities or appurtenances necessary or proper for protecting property as above required, provided, or mentioned, but subject to approval and confirmation

by the board, and they shall make written recommendations to the board from time to time. The funds appropriated shall be set aside and kept separate from other funds of the city and be applied to the uses of the fire department only.

And the same provisions made above as to police directors and police department shall be applicable to the fire directors and fire department except as otherwise herein written.

#### RECORDER.

The board of commissioners shall select a suitable person as recorder who need not be a lawyer, and shall fix his salary at a rate not exceeding fifteen hundred (\$1,500.00) dollars per year, and fix his duties consistently herewith and every such selection shall be made and shall continue with the understanding and on the condition that the board retains power to dispense with his services at any time without any showing of cause, whenever the board considers it for the public interest to do so, and the board shall be the final judge of the propriety of so doing, and its action in the matter shall be non-appealable and non-reviewable; they shall not fix his compensation other than at the rate of so much per day, week, month, year or other time, and shall not engage his services for a fixed term. The board may also select one of its members as recorder pro tem to serve in the recorder's absence, illness or incapacity, and fix the rate of his compensation while he acts as recorder. If recorder and recorder pro tem should both be not serving, any member of the board designated by the presiding officer of the board may serve but without compensation for such service, until the recorder or recorder pro tem returns to duty. It may require bonds from any one to serve or serving as recorder, as it may see fit. It may consistently herewith fix the conditions or requirements of service in that office, and the recorder shall be a sub-official of the city. He shall make such oaths as a State magistrate or judicial officer makes; he shall have jurisdiction of the violation of city ordinances, have power of a committing magistrate and perform such other duties and under such liabilities as the board shall put upon him consistently herewith. It shall have power consistently herewith to make rules and regulations concerning the office of recorder and its incumbent. He shall have power to punish for contempts by fine of not exceeding ten dollars and imprisonment for not exceeding twenty-four hours, one or both, in each instance of contempt of court. He shall administer oaths to all witnesses and may compel attendance of witnesses and production of books and papers and forfeit bonds and issue writs.

## ATTORNEY.

The board may employ or select a suitable person as attorney, who shall be known as the city attorney and be a sub-official of the city; who shall be learned in the law; and the board, wherever it deems necessary or advisable, may require that he shall not practice the profession of law or be interested directly or indirectly in the practice, nor be a nominal member of any firm of lawyers, but exclusively devote his attention and time to the affairs of the city and practice for it alone. The board shall fix the rate of his compensation, at whatever it regards a reasonable and proper sum, not exceeding the rate of forty-eight hundred (\$4,800.00) dollars per annum, payable as it may determine; but any selection or employment and continuance of a city attorney shall be with the understanding and on the condition that the board retains power to dispense with his services at any time it deems the public good requires, or to contract with him on such terms as it sees fit to make consistently herewith. He shall keep his office near the city tax collector and mayor, wherever the board may provide or require, and it may provide such books, stationery and office furniture, etc., at the city's expense as it deems at any time proper; he shall be equipped for attention to the city's interest and business as needful, or called upon. The city shall always have a skilled and competent lawyer in charge of its business and affairs.

## TAXES.

No taxes shall be levied to pay the principal of any bond or bonds sold under contract to refund such bond at maturity by issuing other bonds.

The board shall have the power to abate and compromise taxes on realty, or personalty, or both, upon the recommendation of the proper committee, for just and good cause, but this shall apply to only such taxes as are delinquent for more than five years prior to the time of compromise, and not to any levied within five years prior to the compromise; and then only on condition of payment and upon payment of all other city taxes remaining unpaid at the time of the compromise.

Section 7. The board of commissioners shall hold regular meetings on Tuesday of each and every week at a regularly appointed hour, to be fixed by the board from time to time, and publicly announced. It shall hold adjourned, called or special meetings as deemed necessary or the public interests require. Special meetings may be called by the mayor, the board, the president, or any three commissioners joining, stating the purpose,

and giving at least twenty-four hours notice of the time of meeting.

The president shall preside, and in his absence the board shall select a commissioner to do so. The presiding officer shall not vote except to decide a tie, which he shall do.

It shall require at least two-thirds of the commissioners competent to sit, to constitute a quorum to transact business, but any commissioner, in the absence of a quorum, may adjourn, and may enforce attendance of other members under such rules, if any, as the board may adopt. ~~The presence and the absence of each~~ commissioner shall be noted by the clerk and a minute kept thereof.

The concurring vote of a majority of the members present, being a quorum shall be sufficient to adopt or reject an ordinance, by-laws, resolution or motion, of a permanent nature, or for the transaction of business or the exercise of power by the board, except as otherwise provided by this act.

The board may assign or delegate to one or more of its members, or to sub-officials or employees or agents selected or confirmed by it, or to boards, or commissions created by it, the performance of such executive or ministerial duties and powers as it deems necessary or convenient or the public interests require, consistently with law and the provisions of this act, by ordinance, by-laws, resolution or motion, duly passed and in effect from time to time. And except as otherwise herein provided it may modify, change or abrogate any executive or ministerial duty or office of the city except of mayor, president, commissioner, or directors, by like procedure.

All meetings of the board shall be open to the public.

An ordinance, by-law, resolution, or motion, or contract, of a nature deemed permanent, or granting a franchise, appropriating money, providing for any public improvement, or touching the public health, the public comfort, or public safety, shall not be enacted at a called or special meeting, but only at a regular or adjourned meeting of the board. Such a measure shall not be adopted at the meeting at which it is first introduced or offered. Each such measure, every one of a permanent nature, shall be reduced to writing, and be read in full, at the meeting at which it is offered or introduced; but it shall lie over and be read again at the meeting at which voted upon, before the vote is taken and the yeas and nays shall be taken upon it and recorded. Upon demand of any commissioner, or the presiding officer, any other measure than those above specified shall be reduced to writing before being voted upon, and be read on like demand, and the yeas and nays when demanded shall be taken upon it and when taken shall be recorded.

The proceedings of the board, and every ordinance or other action passed or taken, shall be recorded in a well-bound book systematically indexed, which shall remain open to public inspection at all reasonable hours. The clerk shall take notes of each action of the board, which shall be read to the meeting at its close before adjournment, for its suggestions, and afterwards formally recorded, and at the beginning of the following meeting the minutes shall be read in full, without waiver, as the first order of business after ascertaining a quorum present—they shall always be read in full before approval and they shall not be suspended; if found correct they shall be approved formally, and the approval be shown by the clerk's and president's signatures, before the action taken shall be effective.

Section 8. No resolution, by-law, or ordinance, granting to any person, firm or corporation any franchise, lease or right to use the streets, public highways, thoroughfares, or public property of any city organized, or continuing under the provisions of this act, either in, under, upon, around, through or over the same, shall take effect and be in force until thirty days after the final enactment of the same by the board of commissioners and publication of such resolution, by-law, or ordinance in full once a week for three consecutive weeks in some newspaper published in said city, which publication shall be made at the expense of the person, firm or corporation applying for said grant. Pending the passage of any such resolution, by-law or ordinance, or during the time intervening its final passage and expiration of the thirty days during which the publication shall be made as above provided, the legally qualified voters of said city may, by written petition, or petitions, addressed to said board of commissioners, object to such grant, and if during said period such written petition, or petitions, signed by at least a number of qualified voters equal to one for every three hundred inhabitants of said city, or fraction thereof, according to the then last Federal census, shall be filed with the said board of commissioners, said board shall, upon payment or deposit of the estimated election expenses, as hereinafter provided, forthwith order an election, at which the legally qualified voters of said city shall vote for or against the proposed grant as set forth in the said by-law, resolution or ordinance, and, pending such election the said grant shall stand suspended or not operative.

In publishing the call for said election the said resolution, by-law or ordinance making such grant shall be published at length and in full at the expense of the city in some newspaper published in said city by at least one publication. The board of

commissioners shall, before making such call, furnish to the person, firm, or corporation applying for such grant or franchise, an estimate of the expense of the election to be held, to consider the same, and if the person, firm or corporation so applying shall pay to or deposit with the city a sum sufficient to cover the cost of such election as so estimated, then the board of commissioners shall proceed to call said election; but if the same be not paid to or deposited with the said city within thirty days after the board makes such estimate of the cost of such election, said election shall not be ordered and, the by-law, ordinance or resolution shall **not be effective**. The applicant for any such grant or franchise shall pay to the city the expenses of such advertisement thereof, whether the election be held therein or not, and the expense of such election if it is held; and such by-law, resolution or ordinance shall not be valid unless the fact of such payment be noted in the record thereof upon the minute book, or other permanent record thereof as kept by said board.

Any applicant may withdraw any application before, and without incurring the expense of such election, or he may ask and obtain a suspension of the by-law, resolution or ordinance until the next regular municipal election, at which time the question of its adoption may be determined by special ballot, without expense to the applicant, except for printing special ballots and advertising the election on such application. If, at such election, the majority of legal votes cast shall be in favor of said ordinance and the making of said proposed grant, the same shall thereupon become effective; but if a majority of the legal votes so cast shall be against the passage of such resolution, by-law or ordinance and against the making of such grant, said by-law, resolution or ordinance shall not become effective, nor shall it confer any rights, powers or privileges of any kind, and it shall be the duty of said board of commissioners, after such result of said election is determined, to pass a resolution, or ordinance, to that effect. No grant of any franchise, or lease, or right of user, or grant of any right in, under, upon, along, through or over the streets, public highways, thoroughfares or public property of any such city shall be made or given, nor shall any such rights of any kind whatever be conferred upon any person, firm or corporation, except by resolution or ordinance duly passed by the board of commissioners at some regular or adjourned meeting, and published as above provided by this section; nor shall any extension or enlargement of any such rights or powers granted be made or given except in the manner and subject to all the conditions herein provided as to the original grant of same.

Section 9. In every city organized under the provisions of this act an election shall be held on the second Monday in August every fourth year to elect a mayor and commissioners.

An elector may qualify to be a candidate for mayor or commissioner, if he has the legal qualifications, by filing in the office of the mayor or clerk a statement that he is such a candidate, specifying what for, and that he is duly qualified to hold the office sought. He must sign the statement and swear to it before an officer authorized to administer oaths, who shall place the jurit thereon. The sworn statement shall be a public record, and must be filed at least twenty days before the day of election, and shall be substantially the following form:

"State of Alabama, County of..... The undersigned, duly sworn, deposes that he is and for two years consecutively prior hereto has been a resident and duly qualified elector in and for the city of..... in said county and in and of ward number..... therein; that he is a candidate for election as..... of said city at the election to be held therefor on the first Monday in..... for the term ending four years thereafter, and is in every way duly qualified to hold said office if elected thereto. He requests that his name be accordingly printed on the ballot for said election. (Signed by candidate)..... Subscribed and sworn to before me this..... day....., 19..... (Signed by officer)..... (Title of officer).....

Said statement shall be accompanied by a petition signed by at least two hundred persons who shall be qualified to vote at said coming election requesting that such person become a candidate for said office at said election. The signers to said petition shall set forth their names in full and their residence addresses and said petitions shall be substantially in the following form: "We the undersigned duly qualified electors of the city of..... and residing at the places set opposite our respective names do hereby request that the name of..... be placed on the official ballot as a candidate for the office of..... in said city at the election to be held in the city on the..... day of..... next. We further state that we know said..... to possess the qualifications necessary for said office and to be in our judgment a fit and proper person to hold said office. Witness our hands."

The mayor or clerk receiving it shall mark such statement filed with the date thereof and sign it, and the mayor shall turn it over to the clerk, who shall keep it as a public record and make a minute of it in the records of the city. Unless the candidate qualifies on his part as above required, his name shall not go

upon the ballots; and he must comply with any other laws or requirements for qualifying as a candidate.

Section 11. At election under this act ballots shall be printed in substantially the following form:

"Ballot for election of officers of the city of \_\_\_\_\_,  
held on Monday, \_\_\_\_\_, 19\_\_\_\_\_.

For mayor of \_\_\_\_\_

First Choice or vote	One to be elected. Candidates	Second Choice or vote
( )	A. B. C.	( )
( )	C. D. E.	( )
( )	E. F. G.	( )

Put your first choice cross mark in circle to left and second choice to right, for mayor above; and for commissioners below, in each race.

For commissioner from 1st ward:

	One to be elected.	
( )	J. K. L.	( )
( )	M. N. O.	( )
( )	P. Q. R.	( )

For commissioner from second ward:

	One to be elected.	
( )	S. T. U.	( )
( )	V. W.	( )
( )	X. Y. Z.	( )

Which form shall be substantially followed throughout for each other ward, showing the number to be elected in each, the names of candidates, designating the office, and properly filling the blanks.

At each election the names of all candidates in each race shall be printed in alphabetical order, after qualification as above prescribed.

A voter need not vote in each race unless he wishes, but if he votes in a race he must cast a first vote or choice in that race, and he may cast a second vote or choice therein if he desires. No first choice or vote in a race shall be rejected merely for the absence of a second vote or choice therein. No invalid second vote or choice in a race must be rejected, but that shall not affect the first vote or choice therein if that was valid; and if the first vote or choice therein was invalid, it shall be rejected, but that shall not affect the second vote or choice therein if the latter was



valid. No invalid vote in one race shall affect a valid vote in another; each race shall be separate on the ballot, and the question of what was the whole highest number of first choice votes cast in a particular race shall when necessary to ascertain it, be determined as follows, namely: by adding together all the first choice votes for all candidates in that race and dividing the result by the number of candidates therein: the result shall be the whole or highest number of first choice votes cast therein. The candidate receiving the highest number of first choice votes in a race shall be declared elected if that was a majority of the whole number of first choice votes cast therein; but if it was not such majority, then the first and second votes of the candidate receiving the highest number of first choice votes shall be added together, and those of the candidates receiving the next highest number of first choice votes shall be added together, and all other candidates in that race shall be dropped from consideration, and thereupon the candidate obtaining the highest aggregate of votes so added together shall be declared elected. In the event of a tie in the aggregate thus obtained, another election shall be held within fifteen days from the date of the former, on ten days publication of notice by one insertion in a newspaper as before, at which the candidates tying alone shall go on the ballot in as many races as are necessary to run off ties.

No defect in the form of the ballots nor any more technicality, inaccuracy or irregularity in the conduct, call or notice of an election under this act shall invalidate the election, nor an election in any race, if it was in substance conducted fairly and the popular will fairly expressed thereat in the race sought to be questioned; except as otherwise provided by this act, all elections hereunder shall be conducted, so far as practicable, as are general elections for choosing state, or county and state officers.

All elections under this act are at the city's expense.

To be eligible to office and qualified to hold office, the candidate and the officeholder must have all the qualifications elsewhere provided by law; and the candidate for mayor must have been a resident and free holder or house holder and a qualified elector within the city at the time of qualifying and for at least two years consecutively next theretofore and up to his election and qualifying for office; the candidate for commissioner must have been a resident and free-holder or house-holder and a qualified elector within and of the ward from which he is elected at the time of qualifying as a candidate and for at least two years consecutively next theretofore, and up to his election and qualifying for office; otherwise the candidate for mayor or commissioner shall not be eligible to the office; the mayor shall continue

during his term to reside and be a qualified elector and householder or free-holder within the city, and should his residence be changed during the term to outside of the city, or he cease to be either a free-holder or householder and also a qualified elector therein, he shall thereby forfeit his office and a vacancy result; each commissioner shall continue during his term to be a qualified elector and free-holder or householder of and within the ward from which he was elected, and should his residence be changed to outside such ward, or he cease to be either a free-holder or householder and also a qualified elector therein, he shall thereby forfeit his office and a vacancy result; except only where a change of residence resulted from a change of boundaries, in which event the officer may continue to hold, so far as that is concerned, till the next general municipal election. Should a commissioner or mayor be finally adjudicated of unsound mind, a vacancy in his office shall thereby result; and any vacancy in the office of either from whatever cause resulting, shall be filled for the unexpired term in the manner provided by law, and the successor of the commissioner shall come from the same ward from which his predecessor came and have the same eligibility and qualifications for holding office as provided for his predecessor. In all municipal elections a commissioner is not chosen by the electors of his ward alone, but each commissioner and mayor shall be elected by the qualified electors of the city at large. No one shall be eligible for office as mayor or commissioner, or qualified to hold such office who at any time within the period beginning two years next before his qualifying as a candidate and ending with the term for which he was chosen, has been or is an officer or director of any corporation, association, society or firm being a public service concern or proprietor of any kind, enjoying in any manner the benefit or chance of benefit of a franchise under the city or State or other corporation, or enjoying or having a contract of any kind with any one, to supply the city or any of its inhabitants with any public or private utility or service. Nor shall any sub-official of the city be so interested while holding office. No commissioner shall be qualified, at any time during the term for which he was chosen, to hold an office or position created by the board while he was a member thereof. A mayor shall hold no other public office than that of mayor. A violation of any provision of this section by a candidate shall be ground of contest of his election. A violation of any provisions of this section by mayor or commissioner shall cause a forfeiture of his office and be a ground for his removal from office by quo warranto or a proceeding in the nature thereof or any proceeding appropriate to remove him.

A violation of any provision of this section by a sub-official shall be cause for removing him from office.

And the board may adopt a system of civil service rules to govern all employes or sub-officials that it employs or confirm, except police directors and fire directors; and the latter may adopt civil service rules for their respective departments, subject to the board's approval.

Section 11. The commissioners and chief executive officer of the city, by whatsoever name called, who are provided for by this act, shall be elected by the vote of the legally qualified electors of the city at large, and no person shall be eligible for any such who shall not be over the age of 21 years at the time he shall become a candidate, or shall not be duly qualified to vote in the election at which he shall be elected, and each such officer must also have the eligibility and qualifications for office and for holding same which are provided elsewhere in this act. In case any person, after he shall have been elected and duly qualified as commissioner, or chief executive officer of the city, by whatsoever name called, shall be declared to have been ineligible to election or to have forfeited or become disqualified to hold the office a successor shall succeed him as in case of a vacancy caused by death, resignation or any other cause.

Section 12. Every person elected mayor or commissioner in any city organized under this act shall qualify for office on or before and not after the first Monday in October or else within not more than fifteen days succeeding the day of election; except in case of a contest of an election, in which event if successful he shall qualify within three days after the final termination of the contest and not later; by making oath and bond as follows: He shall make oath to support the constitutions of the United States and Alabama, and that he is qualified to hold the office to which he was elected, and that he will faithfully discharge the duties thereof to the best of his knowledge and ability. The oath may be administered by any officer authorized to administer oaths generally, or by the mayor or a member of the board duly qualified, and shall be filed and recorded in the office of the judge of probate of the county containing the city, at the same cost as in other such cases. He shall make bond payable to the city conditioned for the faithful discharge of such duties of the office as are or may hereafter be prescribed by law, to be approved by and filed and recorded in the office of such judge of probate, for which he shall receive one dollar from the person making the bond. Each commissioner shall make bond in the penalty of six hundred dollars and the mayor in the penalty of six thousand dollars. And should the mayor-elect, or a commissioner-elect, fail

to qualify for office in the time and manner above required, he thereby forfeits the office and it shall be vacant. Should a person damaged sue upon any such bond, he may do so in his own name, or else in the city's name for his use on indemnifying the city against costs and expenses by a bond in double the amount of costs and expense estimated by a judge or clerk of the court in which the suit is brought, to be approved by the probate judge aforesaid, and delivered to the board.

Section 13. Whenever a vacancy occurs in the office of a commissioner of a city organized under this act, from one or another cause, his successor shall be elected by the remaining members of the board of commissioners at a regular meeting having a quorum by majority vote, and hold for the unexpired term. Each commissioner elected thus or by the people must qualify in the time and manner above required.

Section 14. All sub-officials and employes of the city, whether in one or another department, shall be selected solely and wholly because of fitness for the position, and without regard to political reasons or affiliations. It shall be unlawful to hold a party primary, caucus or convention for the purpose of nominating a candidate for municipal place under the city, or for the purpose of supporting any one for such place, whoever solicits or receives and accepts such a nomination, or takes part in such primary, convention or caucus shall thereby be rendered ineligible for the office, or the position, sought during the term of the office; and a violation of this section by one who is already in such office shall cause a forfeiture of his office and be ground for his removal therefrom.

All sub-officials and employes of the city, except as otherwise provided by this act, shall be chosen as follows: The mayor shall, as provided in section 7, nominate to the board not exceeding one person for a place at any meeting, and the board shall confirm or reject the nomination still a selection is made, by a two-thirds yea and nay vote of the commissioners present constituting a quorum, at that or any subsequent meeting.

Section 15. It shall be unlawful for any candidate for municipal office, or for any officer, sub-official or employe of the city, either directly or indirectly, by agent or otherwise, to promise to anyone, or for the benefit of any one, any office, position, employment, benefit, or anything of value, to influence the selection of any person as an officer or a sub-official or employe of the city, or to influence or obtain any political support, aid or vote for or against anyone, or to take any part in giving, promising or supplying any office, position, employment, benefit or anything of value, for or in payment of such influence or sup-

port; or to provide or use or avail of any automobile, hack, cab, or other vehicle, to bring a voter or voters to the polls on election day for voting purposes or political purposes.

Each person elected mayor or commissioner of a city shall within thirty days after qualifying for his office, file with the probate judge of the county containing the city his signed, sworn, detailed and itemized account and statement of all his campaign and election expenses incurred or paid in or for the campaign for that office, showing who contributed or provided funds therefor. Such statement shall be published at the city's expense at least once by the clerk in a newspaper of general circulation published in the city, and said statement shall be a public document and kept by the clerk.

A violation of any provision of this section shall be and is a misdemeanor, punishable by fine of not less than one hundred dollars nor not more than five hundred dollars; such violation by a candidate shall render him ineligible and be a ground for contest of his election as mayor or commissioner; such violation by a commissioner or mayor shall cause a forfeiture of his office and be a ground for his removal therefrom by quo warranto, or proceeding in the nature thereof, or by any proceeding appropriate for his removal. And such violation by a sub-official or employe of the city shall be ground for his removal from office or employment.

Section 16. No officer of any kind, nor any employe of the city, nor any candidate for municipal office, shall be or remain interested pecuniarily, either legally or equitably, directly or beneficially in any contract for work to be at any time done or being done for, or in any materials to be at any time or being furnished to the city, nor any profits in any way of such contract or materials; nor shall any of them be or remain so interested in any services of any kind at any time to be or being performed for the city, nor in the profits of such services by any one other than himself rendered by virtue of his office; no such officer or employe shall at any time be or remain pecuniarily so interested in any contract for work at any time to be or being done for, nor any materials at any time to be or being furnished to, nor in any services at any time to be or being performed for any corporation, association, person, firm, or society, operating owning or controlling in whole or part, any interurban railway, street railway, gas works, electric light plant, power plant, heating plant, telegraph line or office, telephone line or exchange, or other public utility or business, or for or to any one having a franchise of any kind, under which, operated either within or without the city, anything of value is being or to be done for the

city or any of its inhabitants, corporations, associations, firms or societies, within its limits. No officer or employe of the city shall be either openly or secretly, directly or indirectly, an agent or employe of, for or under any corporation, association, society, firm, or person being or operating a public service concern of any kind, subject to public regulation, serving the city or any of its inhabitants, whether the agency or employment be temporary, permanent, professional, or other.

No such officer or employe of the city shall receive, accept or enjoy any frank, pass, ticket, service, gift, or anything of value, from any corporation, association, society, firm or person operating within the limits of the city any urban or interurban steam, electric, gas, gasoline, or other railway, or any gas works, waterworks, electric light plant, power plant, heating plant, telegraph or telephone line, or any other business, which avails of benefits or chances of benefit of any franchise, municipal or other, if it be free, or on terms more favorable than to the public generally; provided, however, that the above inhibition of free transportation only shall not apply to policemen or firemen of the city or officers of the police or fire department while acting in the discharge of duty as such, whether in uniform or not, and any free service to the city or to any employe thereof which has hitherto been lawfully provided for and is in force at the going into effect of this act, by or under any contract with or franchise from the city, shall not be adversely affected by this section. Every such interest, employment, agency, acceptance or receipt forbidden by this section shall be null and void.

Any violation of any provision of this section shall be and is a misdemeanor, and the corporation, association, society, firm or person guilty thereof shall, upon conviction, be fined not less than one hundred dollars nor more than five hundred dollars, and the person guilty may also be imprisoned in the county jail of the county containing the city, for not exceeding ninety days.

A violation of any provision of this section by a candidate for mayor, or commissioner, shall render him ineligible to the office sought and be ground for contest of his election, a violation of any provision of this section by a mayor or commissioners shall cause a forfeiture of his office and be ground for his removal therefrom by quo warranto, or proceeding in the nature thereof, or any proceeding appropriate for his removal; a violation of any provision of this section by a sub-official or employe of the city shall be ground for his removal from office or employment.

Section 17. The board shall each month print in pamphlet form a detailed statement of all receipts and expenses of the city

and a summary of its proceedings during the preceding month and furnish printed copies thereof to the daily newspapers of the city, and to persons who apply therefor.

At the end of each year the board shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants and shall publish in pamphlet form the result of such examination in the manner above provided for the publication of statements of monthly expenditures.

The governor of the State is authorized at any time to have all the books and accounts of such city examined by a State examiner of public accounts, the cost of such examination to be paid by such city upon the presentation to the chief executive officer of such city of a duly verified statement of such expense made by such examiner of public accounts and approved by the governor.

Section 18. All general laws of this State, regulating or prescribing the conduct of municipal elections and the qualifications of voters thereat, shall apply to elections held under this act, except in so far as they are modified hereby or conflict herewith.

Section 19. Any person offering to give a bribe, either in money or other consideration, to any voter for the purpose of influencing his vote at any election provided for in this act, or any voter entitled to vote at such election who accepts or receives such a bribe or other consideration, or any person who makes a false answer to any question authorized by law, in regard to his qualifications to vote at such election, or any person who votes, or offers to vote, at such election, knowing himself not to be a qualified voter of said city, or any person who knowingly procures, aids, or abets any violation of this section, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars and not more than five hundred dollars, and may also be imprisoned in the county jail for not less than ten or more than ninety days.

Section 20. It shall be unlawful for any mayor, commissioner, sub-official or employe of the city, to take part in any political campaign for election by the people other than one in which he himself is a candidate for nomination or office, and then he may do so only in promotion of his own sole nomination or election; it is unlawful for him to oppose the candidacy of any person or persons other than one against whom he himself is running in a race for such nomination or election, and it is unlawful for him to aid the candidacy of any one other than himself; he shall not oppose or take part in opposing the candidacy of any one who is not a candidate for the nomination or office

which he himself is seeking as a candidate; other than to promote in the way permitted by law his own candidacy for nomination or election, he shall not engage or take part in politics, except to exercise his own sole right to vote at the polls. He shall not be solicitation or otherwise exert his influence, directly or indirectly, to get officers, employes or agents of the city or any other person or persons, to oppose a particular candidate or class of candidates for nomination or office, or to get them to aid any one other than himself and in the way permitted by law; he shall not in any way contribute services, labor, money, or other thing of value, nor **make a promise or promises** of any kind, nor in any way take part in procuring or obtaining such a contribution or promise, for the purpose of opposing a candidate or class of candidates, or for the purpose of aiding other candidates than himself.

A violation of any provision of this section shall be and is a misdemeanor. A violation of any provision of this section by a candidate for municipal office shall render him ineligible thereto and be a ground for contest of his election.

A violation of any provision of this section by a mayor or commissioner shall cause a forfeiture of his office and be ground for his removal therefrom, by quo warranto or a proceeding in the nature thereof or any proceeding appropriate for his removal. A violation of any provision of this section by a sub-official or employe of the city shall be ground for his removal from office or position. The above provisions shall apply, whether the nomination or office sought be political, municipal, district, county, State or Federal, and whether the effort constituting the violation was successful or not, and whether the candidate or opponent was successful or not.

It is the duty of the mayor, commissioner, sub-official and employe of the city, who has information of such a violation, to report it in writing to the board, detailing the circumstances, naming the party supposed guilty, in such way that charges may be preferred against him; and the clerk shall, and any elector may, file charges with the board accordingly against any employe or sub-official, and a hearing shall be had and decision rendered by the board in such case and from the final decision on the merits no appeal shall lie nor any review be had.

Section 21. The judges of probate of the counties in which are located the cities covered by this act shall record in a well-bound and indexed book kept for that purpose, all papers required to be filed with him by this act, and shall receive therefor the compensation allowed by law for recording deeds.

Section 22. It shall be unlawful for any candidate for mayor or commissioner, or for any one else in his behalf or interest, to



hire, pay, or agree to pay any person or to hire, pay, or agree to pay any corporation, association, firm, or society employing or availing of the services of any person, to solicit votes at the polls on election day. It shall be unlawful for any corporation, association, firm, society, or person to accept hire or pay pay or proposal therefore in any way, or to in any way contract therefor, to solicit votes for or advocate the candidacy of any one for mayor or commissioner other than is expressly permitted by law. Each separate solicitation in violation of this section shall be a separate offense. Each violation of any provision of this section is a misdemeanor and the person, corporation, association, firm or society guilty thereof shall upon conviction, be fined not less than one hundred nor more than five hundred dollars. A candidate violating any provision of this section, whether tried or convicted or not shall by such violation be rendered ineligible for the office sought, and it shall be ground of contest of his election.

A violation of any provision of this section by a mayor or commissioner shall cause a forfeiture of his office and be ground for removing him therefrom, by quo warranto or proceedings in the nature thereof or any proceeding appropriate for his removal. A violation of any provision of this section by a sub-official or employe of the city shall be ground for his removal from office or employment. And it shall not be necessary to the removal from office of any mayor, commissioner, sub-official, or employe of the city, that he be convicted in any court of a violation of this or any other section of this act before the institution or completion of proceedings to remove him. Nor shall it be necessary to a contest of the declaration of election to any office under this act that any conviction of an offense shall first be had.

Section 22½. That the qualified voters of any city organized according to the terms of this act may at any time file with the probate judge of the county in which such city is located, a petition or petitions calling for the resignation of any commissioner of said city. Such petitions shall contain a general statement of the grounds upon which the removal of said official is requested, and each signer shall add after his signature and opposite thereto his residence address. No degree of generality or lack of particularity in the statement of grounds for removal shall be a ground for objection to such petition. In case such petition shall be signed by at least a number of voters duly qualified to vote for a successor to said officer equal to twenty-five per cent of the votes cast at the last city election wherein a commissioner was elected, the probate judge shall certify that said petition to the board of commissioners of said city. It shall be the duty of the

probate judge to examine into the qualifications of the signers of said petition, and if he shall find that said petition does not contain the requisite number of qualified electors to call said election he shall, within ten days after the receipts of said petition, notify the persons presenting the same, in writing of such facts, and thereupon the persons so presenting said petition shall have ten days within which to secure additional signers to meet the deficiency pointed out by the probate judge, and a failure to secure any additional numbers that may be necessary within said ten days shall cause said petition to be denied. If the petition as originally presented is found by the probate judge to contain the requisite number of qualified electors to call such election, he shall, within ten days after receipt of said petition certify such fact to the board of commissioners of said city. If the petition as originally presented does not contain the requisite number of qualified electors to call such election and the petitioners shall supply the deficiency within the time above provided, then upon such deficiency being supplied the probate judge shall certify to the board of commissioners that the requisite number of qualified electors have petitioned for such election, calling for the resignation of the commissioner named in such petition. If said officer shall not on or before the next regular meeting of the board of commissioners after the receipt by the board of commissioners of the certificate of the probate judge as below provided, resign from office then said board at such meeting shall order an election to be held not less than thirty days nor more than forty days from the date of said meeting at which a successor to such officer to hold office for his unexpired term shall be voted for. At such election the person sought to be removed from office shall be a candidate to succeed himself and his name shall be placed upon the official ballot without any affirmative action on his part and other candidates for commission for the unexpired term shall qualify the same as candidates at a regular election hereunder. Notice of such election shall be given by publication once a week for three successive weeks in some newspaper, if any, published in said city, and if there be no such newspaper then by posting notice at five public places in said city at least twenty days before the date fixed for the election, and such election shall be held and the result declared in all respects the same as a regular election. The person who shall be elected to such office shall hold same for the unexpired term thereof, and if the person so elected be the incumbent whose removal has been requested then he shall continue in office as though such petition had not been filed or such election held.

Section 23. The petitions provided for by this act may be by a number of separate instruments as well as by one instru-

ment, and separate instruments may be joined together to make one petition. No person but a qualified elector of the city shall sign any petition provided for by this act. The presence upon any such petition or petitions of the names of persons who are not such qualified electors shall not impair the validity of such petition containing sufficient names of properly qualified electors; but the names of such person only who are not so qualified shall be treated as nullities. No person shall sign the name of another to any such petition, whether with or without authority; no person shall sign more than one separate instrument as a petition for any purpose herein contemplated.

Any violation of any provision of this section shall constitute a misdemeanor punishable by fine not to exceed three hundred dollars. A qualified elector who has signed any petition provided for hereby shall not withdraw his signature therefrom. The judge of probate, or board of commissioners, in passing upon the sufficiency of such a petition and holding names thereon to be those of not qualified electors, shall indicate by marginal notation, or other legible and intelligible memorandum thereon which names are those of not qualified electors, or shall make a finding to that effect, so that interested parties may be advised of the exact reason if such petition be held insufficient.

All findings concerning any petition under this act shall be ministerial and not judicial acts.

Section 24. Should vacancies exist simultaneously in the board of commissioners to such extent that a quorum could not be had, the mayor shall call an election by the voters to fill all such existing vacancies; should no one be serving as mayor, or if for any reason the mayor does not call it within five days after such vacancies occur, the probate judge of the county containing the city, shall call it, to be held not less than twenty days nor more than thirty days distant, at a time to be fixed by him who lawfully calls it. In such case the mayor, or if none, then the appointing board of the county containing the city, shall select the election officers from amongst the qualified electors of the city. Whoever calls the election shall give notice of the time of holding, by at least one publication in a newspaper of general circulation published in the city, the first insertion to be at least fifteen days in advance of the election and to be following by as many weekly consecutive insertions as may be feasible, all at the city's expense.

Section 25. No partnership any of whose members is related to an officer or employe of the city in the third, or any nearer, degree or relationship under the civil law, and no corporation any of whose stockholders owning as much as five per cent of its

capital stock is so related to any such officer or employe, shall by contract or employment, or by trading or other business dealings, receive any profit or emolument, salary, wages or other compensation from the city.

Section 26. No person shall be eligible to become or remain a sub-official or employee of the city, if the compensation of his place be equal to or greater than at the rate of seventy-five dollars per month, who by consanguinity or affinity is related to the mayor, or president or to a commissioner, or to any other having power to select or employ, in the third or any nearer degree of relationship under the civil law. Such relationship alone shall **not render a candidate for commissioner or mayor ineligible** to nor disqualify him for holding office, but his induction into the office shall operate to disqualify the person already in service and so related in the prohibited degree, from further holding office, employment or position under the city. Every selection, employment or engagement, in office, position or place hereby prohibited, and every contract or service in violation of this section, shall at once, upon such induction into office, be null and void; and the person so holding or serving contrary hereto shall be removed by the board summarily if necessary, or any elector of the city may apply for such removal.

Section 27. No commissioner, officer or employe of the city shall either directly or indirectly receive from the city any compensation, emolument, or other thing of value, for any service rendered by himself, other than the regular compensation coming to him as fixed by law, or by the terms of this employment.

Section 28. The declaration of the election of any person by the voters to any municipal office under this act, and his election, may be contested upon any ground or grounds now or hereafter provided by law therefor and also upon the same grounds and by the same person and in the same tribunal, and under like or similar proceedings and conditions so far as applicable or appropriate, as are provided or allowed by law for contesting elections to any office filled by the vote of a single county; and the declaration of the result of any election provided for by this act other than election to office may be contested under the above provisions of this section applying to election to office.

And an appeal shall lie from the final judgment of such tribunal to the Supreme Court, to be taken as in other civil courses, but only within fifteen days after such final judgment.

Section 29. The term of office of the mayor, or other chief executive officer, by whatsoever name called, and of all commissioners of cities organized under the commission form provided by said Act of 1911 as amended by the Act of September 25th,

1915, shall not extend beyond the time when the first elections for a chief executive officer and as many commissioners as there are wards within the city, provided for by this act, shall have been held and the person elected thereat, as such officers shall have qualified for office, and upon such qualification the offices of mayor, or other chief executive officer and all commissioners existing at such election shall be and stand abolished, and the terms of office of such former officers shall terminate.

Section 29½. That this bill shall become effective only after it shall have been accepted and adopted by a majority vote at the election hereinafter provided for. Within ten days after the approval of the bill by the governor, the board of commissioners of the city of Mobile, Alabama, shall call an election to be held in said city as all elections are held. Said city election shall be held within thirty days after the said approval of this bill, and at the said election there shall be determined the question as to whether or not the form of government as provided for in this bill, shall be accepted or rejected by the voters of Mobile. The said election shall be held as city elections are held, the expense of which shall be borne by the city of Mobile and paid for as expenses of other elections are paid for, and the rules and regulations governing all city elections, shall govern the election in this case, except that the election officers shall be appointed by the judge of probate.

The form of ballot used shall be as follows:

"Election to be held on the.....day of....., 1919, to determine whether or not form fo government shall be changed.

For enlargement of government ( )

Against enlargement of government ( )"

The blanks for the date shall be filled by the said board of commissioners with the date fixed for said election.

The said votes shall be counted as all votes are counted in city elections and the result shall be declared by the city commissioners as results are declared in all other city elections. If the majority of votes cast at said election are in favor of the adoption of the enlargement of the present government, this bill shall then become effective immediately, without any further election, except as to the holding of the election for the selection of the officers of the city government. If the majority of the votes cast at said election are against enlargement of the city government then this bill shall not become effective.

The purpose, idea and intent of this act is to provide that if, at the election above provided for, a majority of the votes cast are in favor of the enlarged form of government as provided for

herein, this bill shall become effective immediately after the results of said election are declared and said results shall be declared immediately after the votes are counted. If a majority of the votes cast are against the said enlargement of the present form of government, this bill shall not become effective at all. After said acceptance, provided same is accepted by the voters of Mobile, the provisions of this bill shall immediately be put into effect.

Section 30. Should any section, paragraph or provision of this act be held unconstitutional or void it shall not affect the validity of this act as a whole or any other section, paragraph or clause thereof.

Section 31. All laws and parts of laws in conflict with any of the provisions of this act are hereby, to that event, repealed.

Mr. Craft offered the following amendment to said substitute, to-wit:

Section 291½. That this bill shall become effective for any city adopting its provisions only after it shall have been accepted and adopted by majority vote at the election hereinafter provided for. Within ten days after the approval of the bill by the governor, the board of commissioners of any of the cities herein provided for shall call an election to be held in said city as all elections are held. Said city election shall be held within thirty days after the said approval of this bill, and at the said election there shall be determined the question as to whether or not the form of government as provided for in this bill, shall be accepted or rejected by the voters of such city. The said election shall be held as city elections are held, the expense of which shall be borne by such city and paid for as expenses of other elections are paid for, and the rules and regulations governing all city elections, shall govern the election in such case, except that the election officers shall be appointed by the judge of probate.

The form of ballot used shall be as follows:

"Election to be held on the.....day of....., 19....., to determine whether or not form of government shall be changed.

For enlargement of government ( )

Against enlargement of government ( )

The blank for the date shall be filled by the said board of commissioners with the data fixed for said election.

The said votes shall be counted as all votes are counted in city elections and the result shall be declared by the city commissioners as results are declared in all other city elections. If the majority of the votes cast at said election are in favor of the adoption of the enlargement of the present government, this bill

shall then become effective immediately for such city, without any further election, except as to the holding of the election for the selection of the officers of the city government. If the majority of votes cast at said election are against enlargement of the city government, then this bill shall not become effective for such city.

The purpose, idea and intent of this act is to provide that if, at the election above provided for, a majority of the votes cast are in favor of the enlarged form of government as provided for herein, this bill shall become effective for such city immediately after the results of said election are declared and said results shall be declared immediately after the votes are counted. If a majority of the votes cast are against said enlargement of the present form of government, this bill shall not become effective at all for such city. After said acceptance, provided same is accepted by the voters of such city, the provisions of this bill shall immediately be put into effect for such city.

The following amendments are proposed to the substitute bill offered to Senate bill No. 288, so as to amend sections 3 and 291½ thereof, which said sections, as amended, shall read as follows:

"Section 3. In the event the election hereinafter provided for in section 291½ of this act should be in favor of the enlarged commission form of government herein established, and election shall be held in all cities herein provided for on the first Monday in November, 1919, for the election of the mayor and commissioners of said cities, and thereafter on the second Monday in August in each fourth succeeding year, to elect a mayor and commissioners for all cities herein provided for. Not less than thirty days' notice of the time and purpose of the election shall be advertised by the mayor at the said cities' expense in a newspaper of general circulation in said cities and published therein, and should there be none such, then in one of such circulation published in the county containing such city, and should there be none such, then by posting notice at five public places in the city, showing the voting places and officers of election. In case the mayor should not do so, and begin the publication or posting within three days after the passage of this act, it shall be done by the judge of probate of the county in which such city is situated.

The qualified electors of said cities shall at such election choose one person who shall be mayor of said city, and in addition as many persons as there are wards within the limits who shall be commissioners of said city.

Whenever the city limit are contracted or extended, the board of commissioners herein provided for shall have the power

to redivide the city into wards. Whenever the number of wards is decreased or increased, then at the next regular municipal election thereafter the mayor and necessary number of commissioners shall be elected. So that such city shall have a mayor and as many commissioners as there are wards within the limits at the time of the election.

The mayor and commissioners chosen at the first election after the adoption of this act shall serve for an indeterminate term of not exceeding four years, unless sooner removed or recalled by popular vote as herein provided for, and the terms of all officers holding hereunder are declared to be indeterminate terms; they shall each hold, however, until their successors are elected and qualified.

The mayor's salary shall be payable in equal monthly installments out of the city treasury, and shall be six thousand dollars per year; but shall be ratable and payable for only the time the mayor serves in office.

The mayor shall not be a member of the board of commissioners except in so far as he has a veto power, as below provided.

The first election above provided for, and each subsequent one, including the naming of candidates, shall conform to the provisions hereinafter made concerning elections. The mayor and commissioners shall hold for an indeterminate term of not exceeding four years, from the first Monday in October following their election unless sooner removed or recalled by popular vote, as provided for herein, and until their respective successors are elected.

The mayor shall call the election for mayor and as many commissioners as there are wards, and give notice of the election, and if he does not do so within three days after the passage of this act, then such election shall be called and notice given by the judge of probate as above required. Whenever an election is to be called under this act the officers of election shall be appointed by the legislative body of the city then in office, and if not done in the proper time then by the appointing board of the county not less than ten nor more than twenty days prior to the date of such election, which was adopted.

And said substitute, as thus amended, was then adopted.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Beale

Bedsole

Briscoe

Brown

Butler

Carlton

Cowan

Craft

Espy

Evins

Griffith

Gunter



Harper	Moore	Rogers (Sumter)	Smith (Lawrence)
Leith	Morris	Sims	Tally
Miller	Phillips	Smith (Coosa)	West

—24

*Nays*:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; nays, 0.

*Yeas*:

Messrs:

Beale	Evins	Miller	Rogers (Sumter)
Briscoe	Griffith	Moore	Sims
Brown	Gunter	Morris	Smith (Coosa)
Butler	Harper	McDowell	Smith (Lawrence)
Carlton	Huddleston	Phillips	Tally
Craft	Leith	Prestwood	West
Espy			

—25

*Nays*:—None.

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills beg leave to report that said committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

S. 53. Prescribing the liability of an employer to make compensation by way of damages for injuries received by an employee occasioned by an accident arising out of and in the course of his employment and providing for the enforcement of same, modifying common law and statutory remedies; in such cases; establishing an alternative elective schedule of compensation, regulating procedure for the determination of liability and compensation thereunder in certain cases, and prescribing penalties for the violation thereof; and providing for attorney's fees and for medical and surgical services.

S. 349. To enlarge and further define the duties and fix the compensation of humane officers in counties of this State having a population of not less than 80,000 nor more than 82,000, according to the Federal census of 1910, or any subsequent Federal census.

S. 296. To authorize W. J. Lee, E. E. Etheredge, and R. N. Streater, and their successors in office, as trustees of public school district No. 59 in the town of Town Creek, Lawrence county, Alabama, to execute a mortgage and borrow money on the

real estate belonging to said trustees and their successors in office, in the town of Town Creek, Lawrence county, Alabama.

S. 297. To ratify and confirm an election held by the qualified voters of the town of Town Creek in Lawrence county, Alabama, on the 15th day of April, 1918, for the purpose of ascertaining whether or not said town would issue bonds in the sum of \$5,000.00 to draw interest at the rate of 5% per annum, and to further authorize the mayor and aldermen of the town of Town Creek, Lawrence county, Alabama, to sell said bonds, and to use ~~the money and proceeds~~ of the sale of said bonds in the erection and equipping of a school house in the town of Town Creek, Lawrence county, Alabama, known as school district No. 59, which school building is to be used for the benefit of the children of the town of Town Creek, Lawrence county, Alabama.

S. 299. To authorize the court of county commissioners of Henry county, Alabama, to settle, adjust and refund, or either, the outstanding unpaid indebtedness against said county, by directing all or any portion of the surplus funds thereof on hand, disbursed in payment of all or any portion of the matured part of said indebtedness, and authorize the issuance of interest-bearing warrants of said county for the remainder of any portion thereof of said indebtedness, also authorize such warrants to issue for all or any part of the outstanding unpaid, unmatured indebtedness against said county, providing to such warrants the same protection to which said indebtedness is entitled in order that the income of said county, after defraying current governmental expenses, may be arranged to pay said indebtedness.

S. J. R. 102. Whereas, the women of the Sumter county chapter of the Daughters of the American Revolution wrote to every man from their county who was in the service of his country and whereas they are receiving replies to same, relating their personal experiences in this world conflict, be it resolved that the director of archives and history request copies of these letters to be placed in his department and bound in book form and send one of these books to the Sumter county chapter.

S. 210. To conserve the natural resources of the State of Alabama, to change the name of the department of game and fish to the department of conservation and to provide that the State game and fish commissioner shall be, hereafter, known as the commissioner of conservation, to vest in the commissioner of conservation the power to enforce and administer all laws providing for the preservation, protection and propagation of wild birds, wild fur-bearing quadrupeds, game, forests, fish, oysters and other shell fish, crustaceans, and all other natural resources of the State, which have not been reduced to private ownership,

and to provide that all expenses incurred in the administration of the conservation laws shall be paid out of the game and fish protection fund and the oyster fund.

C. S. McDowell, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

S. 53. Prescribing the liability of an employer to make compensation by way of damages for injuries due to accident received by an employee arising out of and in the course of his employment and providing for the enforcement of same, modifying common law and statutory remedies, in such cases; establishing an alternative elective schedule of compensation, regulating procedure for the determination of liability and compensation thereunder in certain cases, and prescribing penalties for the violation thereof; and providing a lien for attorney's fees and for medical and surgical services.

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#### ADJOURNMENT.

On motion of Mr. Leith and pursuant to H. J. R. 119, heretofore adopted, the Senate at 5:30 o'clock P. M., adjourned until Friday, August 15th, 1919, at 10:00 A. M.